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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

PHILLIP M. ADAMS & ASSOCIATES,
L.L.C., a Utah Limited Liability Company,

Plaintiff,

vs.

SONY ELECTRONICS INC., WINBOND
ELECTRONICS CORP., ASUSTEK
COMPUTER, INC., ASUS COMPUTER
INTERNATIONAL, MICRO-STAR
INTERNATIONAL CORPORATION, LTD.,
AND MSI COMPUTER CORPORATION,

Defendants.

**ORDER GRANTING ADAMS'
WITHDRAWAL OF ITS RENEWED
MOTION FOR SANCTIONS AGAINST
SONY [Dkt No. 448] AND VACATING
AND PERMANENTLY SEALING THE
COURT'S APRIL 29, 2010 ORDER
[Dkt No. 1268]**

Civil No. 1:05-CV-64 TS

The Honorable Ted Stewart
Magistrate Judge David Nuffer

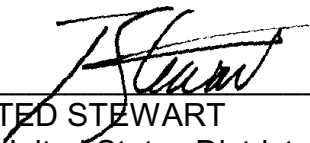
And Related Third-Party Claims.

Based on Adams' Withdrawal Of Its Renewed Motion For Sanctions Against Sony,

IT IS HEREBY ORDERED that the Court's Order in Sealed Docket No. 1268 is VACATED and Sealed Docket No. 1268 is PERMANENTLY SEALED.

DATED May 20, 2010

BY THE COURT:



TED STEWART
United States District Judge

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(801) 532-1500

One of the Attorneys for Sony Electronics Inc.

IN THE UNITED STATES DISTRICT COURT

PHILLIP M. ADAMS & ASSOCIATES,
L.L.C., a Utah Limited Liability Company,

Plaintiff,

vs.

SONY ELECTRONICS INC., WINBOND
ELECTRONICS CORP., ASUSTEK
COMPUTER, INC., ASUS COMPUTER
INTERNATIONAL, MICRO-STAR
INTERNATIONAL CORPORATION, LTD.,
MSI COMPUTER CORPORATION and MPC
COMPUTERS, LLC,

Defendants.

CONSENT JUDGMENT

Civil No. 1:05-CV-64 TS

The Honorable Ted Stewart
Magistrate Judge David Nuffer

And Related Third-Party Claims.

This matter having come before the Court on the pleadings and proceedings of record, it now being represented to the Court that the parties, Adams and Sony, have agreed to a settlement,

WHEREFORE, with the consent of the parties, through their undersigned attorneys, it is hereby finally ORDERED, ADJUDGED and DECREED as follows:

1. This Court has jurisdiction over the parties and subject matter of this action.

2. Plaintiff Phillip M. Adams & Associates, L.L.C. ("Adams") owns and has standing to sue for infringement of United States Patent Nos. 5,379,414, 5,983,002, 6,401,222, 6,195,767 and 6,687,858 (the "Adams patents").

3. Each of the Adams patents is valid and enforceable.

4. The manufacture, use, sale, offer for sale, and importation of all Sony Electronics computers that include a device having an FDC manufactured by Winbond or ITE, constitutes an infringement of each of the Adams patents and Sony has admitted that such acts constitute infringement.

5. All claims and counterclaims brought in this action by Adams and Sony against each other are dismissed with prejudice and Adams and Sony hereby release each other, their officers and attorneys with respect to any claims that were or could have been brought in this action.

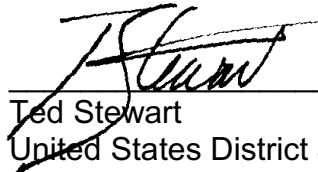
6. Sony and Adams shall each bear their own costs and attorneys' fees.

7. No claim is released, dismissed or otherwise disposed of with respect to the remaining defendants, ASUS, Winbond, MSI and ITE, and all such claims are expressly reserved and remain for trial.

8. The Court reserves jurisdiction to enforce each of the terms of this Consent Judgment Order.

IT IS SO ORDERED:

DATED: May 20, 2010



Ted Stewart
United States District Judge

APPROVED:

/s/ Kevin P. B. Johnson
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& Associates, L.L.C.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

NORTHERN DIVISION

TL CROWTHER, LLC,

Plaintiff,

vs.

**ROCKY MOUNTAIN PIPELINE
SYSTEM LLC; and PRAIRIE PIPELINE
CONTRACTORS, INC.,**

Defendants.

**MEMORANDUM DECISION
AND ORDER**

Case No. 1:08CV141DAK

Judge Dale A. Kimball

This matter is before the court on Plaintiff TL Crowther LLC's ("Crowther") Motion for Summary Judgment and Defendant Rocky Mountain Pipeline System LLC's ("Rocky Mountain") Motion to Strike. The court held a hearing on these motions on May 6, 2010. At the hearing, Plaintiff was represented by Benson Hathaway and Stephen Geary, Defendant Rocky Mountain was represented by George Hunt, and Defendant Prairie Pipeline Contractors, Inc. ("Prairie") was represented by Chandler Thompson. The court heard argument and took the motions under advisement. After carefully considering the memoranda and other materials submitted by the parties and the facts and law relevant to the motions, the court enters the following Memorandum Decision and Order.

BACKGROUND

Since approximately 2003, Crowther has owned a 658.67-acre parcel of property in Morgan County, Utah ("the Property"). The Property is traversed by two wagon trails, the first

known as the Tunnel Hollow Trail, which spans across the Property for about one-half mile, and the second known as the Phil Shop Trail, which spans the Property for about one-fourth mile. Other than these trails, the Property is completely undeveloped. Crowther acquired the Property for its unique and pristine condition, which is excellent for hunting, camping, fishing and similar outdoor recreational activities in a wilderness environment.

In March 2006, Rocky Mountain began overseeing the installation of a 16-inch pipeline from Summit County to Salt Lake City. The pipeline ran through Morgan County, Utah, near the Property. Rocky Mountain hired Prairie as its agent to construct the pipeline (the “Project”). The pipeline is owned by Rocky Mountain Pipeline System, LLC, Plains Marketing, L.P., Plains All American Pipeline, L.P., and Plains Pipeline, L.P. (collectively, “Rocky Mountain”).

Rocky Mountain, as owner of the pipeline, was responsible for acquiring all necessary rights-of-way and access to the Project. Rocky Mountain asserts that after having difficulty communicating with Crowther to gain access to the Property, an employee talked to neighbors who have prescriptive rights of access on the property.¹ Rocky Mountain claims that those neighbors stated that they could give Crowther access to the roads on the Property. Crowther, however, disputes that the neighbors made such statements. Rocky Mountain now admits that it was legally insufficient to rely on the neighbors’ statements.

The parties admit that Crowther never gave Rocky Mountain or Prairie permission to enter the Property. Prairie and Rocky Mountain also both admit that there was a technical trespass onto the Property during the Project. Prairie and Rocky Mountain acknowledge that they

¹ The Property is in greenbelt tax status with Morgan County, and Crowther has given a 10-year grazing lease to neighbor Scott Rees for nominal consideration.

went onto the Property and used the Tunnel Hollow trail. Rocky Mountain and Prairie admit that Prairie was instructed to make and made changes to the Tunnel Hollow trail so it could be used to access the right-of-way for the Project. Prairie admits that it cleared the trail with a blade, made changes to the grading of the road, and widened the road by a few feet in certain places.

The parties dispute the extent of the changes that were made and the impact of those changes. Prairie and Rocky Mountain assert that these changes can be viewed as improvements to the Property that had little impact on the wildlife or the value of the land for hunting. Defendants have an expert witness stating that the use of the Crowther Property as a hunting ground and habitat for wildlife has not been appreciably negatively impacted by Defendants' changes to Tunnel Hollow road. In contrast, Crowther considers the changes to be a significant destruction of trees and other vegetation which negatively impacts the amount of wildlife on the land and views from other portions of the Property.

Defendants re-seeded the Property and some natural re-vegetation has also begun on the Property. Rocky Mountain and Prairie agree that they need to remove dead wood along the side of the road and to grade or disburse fill piles. The parties, however, have significantly contrasting views on what steps are necessary to repair the alterations that occurred on the Property. Crowther's two experts also provide divergent cost estimates for remediation. Crowther claims that the estimated costs of restoring the Property to its previous, undisturbed condition is \$349,095. Rocky Mountain and Prairie, however, contend that the cost to return the Property to its original condition is \$9,450.00.

In addition, Crowther argues that the conservative estimated value of the trees removed or

killed by Defendants is \$108,000. Prairie asserts that the \$108,000 claimed by Crowther includes the most expensive option for replacing the trees, planting full-grown trees rather than seedlings, even though Crowther's own expert indicated that planting full-grown trees is unreasonable.

The parties also dispute the current value of the Property. Crowther states that surrounding property is being marketed at an average price of \$1,990 per acre, which, if applied to the Property, would result in a value of approximately \$1.3 million. Defendants, however, argue that Crowther has not introduced any admissible evidence as to the value of the Property. Defendant's argue that property values in Utah are established by what someone is willing to pay for the specific parcel of property. Todd and Lance Crowther purchased the Property in 2003 for \$55,000. Since then, two parties have offered to buy the property. The first party offered \$55,000, and Crowther was unable to remember the amount the second party offered. To further dispute Crowther's claim that the Property's value is \$1.3 million, Defendants rely on an appraisal conducted recently by a qualified appraiser that placed the Property's value at the time of the trespass in 2007 at \$724,537.00.

DISCUSSION

Crowther moves for summary judgment on its trespass claim and its claim under Utah Code Section 78B-6-1002. Both defendants admit that there was a technical trespass.² The heart

² Under Utah law, "the essential element of trespass is physical invasion of the land; '[trespass] is a possessory action,' or, in other words, there must be 'an encroachment on the rights of another.'" *Sycamore Family v. Vintage on the River Homeowners Ass'n*, 2006 UT App 372, ¶ 4, 145 P.3d 1177 (quoting *Walker Drug Co., Inc. v. La Sal Oil Co.*, 972 P.2d 1238, 1243 (Utah 1998)); see also *John Price Assoc. v. Utah State Conf., Bricklayers Locals Nos. 1, 2 & 6*, 615 P.2d 1210, 1214 (Utah 1980) ("The gist of an action of trespass is infringement on the right of possession."). To establish trespass, "it is necessary only that the actor intentionally be upon any part of the land in question." *Gallegos v. Lloyd*, 2008 UT App 40, ¶11, 178 P.3d 922 (quoting Restatement (Second) of Torts § 164 cmt. a (1965)).

of the controversy, therefore, is the appropriate measure of damages for such trespass.

I. Damages Under Trespass Claim

Crowther argues that the Court should award it restoration damages for the trespass in the amount of \$349,095. Crowther asserts that under Utah law, when land has been damaged and there is a reason personal to the owner for restoring the land to its original condition, the proper measure of damages is the cost of restoring the property to its original condition. *United States v. Garfield Cnty.*, 122 F. Supp. 2d 1201, 1259-60 (D. Utah 2000) (citing Restatement (Second) of Torts § 929(1)(a))(awarding costs of restoring property damage by defendants because land was unique and plaintiff wanted it repaired). In contrast, Defendants argue that Utah law provides that the proper measure of damages for a permanent or indefinite injury to land, like that alleged by Crowther, is the diminution in market value. And, furthermore, Defendants assert that even if Crowther were able to establish a right to restoration costs, Utah law does not permit recovery of restoration costs exceeding diminution in market value.

Utah law governs the substantive questions of this case because this action is before the Court under its diversity jurisdiction. *See Clark v. State Farm Mut. Auto. Ins. Co.*, 433 F.3d 703, 709 (10th Cir. 2005). Utah law has long recognized that “[w]hen property has been damages or destroyed by a wrongful act, the desired objective is to ascertain as accurately as possible the amount of money that will fairly and adequately compensate the owner for his loss.” *Brereton v. Dixon*, 20 Utah 2d 64, 66, 433 P.2d 3, 5 (1967). The Utah Supreme Court later referred to *Brereton* as recognizing “that there is no inflexible rule as to the appropriate measure of damages for the destruction of or injury to trees attached to realty.” *Pehrson v. Saderup*, 28 Utah 2d 77, 79, 498 P.2d 648, 650 (1972). The proper measure of damages to employ “is the one which will

give the injured party reasonable and adequate compensation for his actual loss as related to his use of the property.” *Id.*

The *Pehrson* court recognized that “[g]enerally, the courts have held that the measure of damages for the destruction of or injury to ornamental or shade trees or shrubbery is the difference in the value of the land just before and just after the destruction or injury.” *Id.* The *Pehrson* court, however, also cited to an Ohio case which stated that “[w]here the presence of trees is essential to the planned use of property for a homesite in accordance with the taste and wishes of its owner, where not unreasonable, and where such trees are destroyed by trespassers, the owner may be awarded as damages the fair costs of restoring his land to a reasonable approximation of its former condition, if such restoration be practical, without necessary limitation to diminution in market value of such land.” *Id.* (citation omitted).

Finally, with respect to the proper measure of damages, the *Pehrson* court stated that “[i]n a determination of the appropriate measure of damages in this area, the cardinal principles are flexibility of approach and full compensation to the owner, within the overall limitation of reasonableness.” *Id.*

In a later case, *Ault v. Dubois*, 739 P.2d 1117 (Utah 1987), the Utah Supreme Court again recognized that the measure of damages for a “permanent injury to land is the difference in the market value of the land immediately before and immediately after the injury, but if the land may be restored to its original condition, the cost of restoration may be used as the measure of damages if it does not exceed the diminution in the market value of the land.” *Id.* at 1120. While the court appeared to be applying a ceiling to restoration costs, the court also noted that the “diminution in value should probably not be viewed as an inflexible ceiling on recoverable

damages.” *Id.* at 1120 n.3 (citing *Advanced, Inc. v. Wilks*, 711 P.2d 524, 527 (Alaska 1985) (Where property has special significance to the owner and repair seems likely, the cost of repair may be appropriate even if it exceeds diminution in value)).

The court specifically addressed damage to trees and again reiterated that the standard under *Pehrson* is “that there is no inflexible rule as to the appropriate measure of damages to trees.” *Id.* at 1121. The court stated that as a general rule diminution-in-value damages are awarded for ornamental trees or shrubs and reasonable restoration damages are awarded for essential trees. *Id.* But the court noted that in *Pehrson* the court awarded diminution-in-value damages “not simply because lilacs are ornamental,” but because the damage was the result of a boundary mistake and “the owner’s proposals for restoration were unreasonable.” *Id.*

While the several trespass cases under Utah law may restate the appropriate measure of damages in slightly differing ways, all of the cases recognize that the measure of damages for injury to trees is a flexible one, bounded by reasonableness. Depending on the factual circumstances of the given case, the damages can be based on a diminution in value or can include reasonable restoration costs. The court finds nothing in Utah case law that would require, as a matter of law, the court to award either diminution-in-value damages or restoration damages in this case. Because Utah law repeatedly states that the law in this area is flexible and bounded by reasonableness, the court concludes that whether the damages Crowther seeks are reasonable is a fact intensive question that would be inappropriate for the court to determine at the summary judgment stage.

The parties dispute the applicability of the main case relied upon by Crowther, *United States v. Garfield County*, 122 F. Supp.2d 1201 (D. Utah 2000). The case was decided by the

federal district court and involved a disputed right-of-way in a national park. *See id.* at 1259 n.103. While the *Garfield* case appears to rely more heavily on the measure of damages provided for in the Restatement (Second) of Torts, nothing in the *Garfield* case attempts to restate Utah law. Moreover, nothing in the *Garfield* case erases the “reasonableness” standard for damages under Utah law. *See id.* at 1259-60 (noting that the “general rule is not an absolute rule” and recognizing that damages may include compensation for the cost of restoration that has been reasonably incurred). Regardless of the *Garfield* court’s discussion of available damages, for purposes of this motion, the court concludes that the most significant distinction between *Garfield* and the present case is that the *Garfield* opinion was issued after a full bench trial when the court was able to make findings of fact. At the summary judgment stage, in the present case, this court is not able to make factual assessments and must view the evidence in the light most favorably to the nonmoving parties.

While the undisputed evidence shows that the primary reason Crowther purchased the Property was to enjoy the beautiful, pristine property and the unique recreational characteristics it had to offer, there are several disputed facts regarding the impact of Defendants’ trespass on the Crowthers’ ability to use and enjoy the unique characteristics of the Property. There is a dispute whether the roads in question have affected the devoted use of the property or altered the property’s character. Defendants claims that Crowther’s uses for the Property are actually enhanced, at least nominally, by the improved road.

In addition, there are significant disputes regarding the reasonableness of the parties’ plans for restoration of the property. The expert testimony varies substantially on this point. Crowther seeks \$349,095.00 to restore the Property to “its previous, undisturbed condition,” as

well as \$108,000.00 to replace trees (trebled to \$324,000.00). Defendants dispute that the damages calculations are based on necessary, reasonable, and accurate estimates of the cost of restoration. Defendants point out that the demand of \$673,095.00 is more than twelve times the amount Crowther paid in 2003 for the 660-acre tract. The parties dispute the valuation of the Property, which is clearly a material issue of fact in determining the reasonableness of the trespass damages. Crowther claims that the Property is now worth \$1.3 million, whereas Defendants claim that the highest appraisal of the Property is \$724,537.00, and nobody has ever offered to pay more than the \$55,000 Crowther paid for the Property in 2003. Defendants also claim that the changes to Tunnel Hollow road affect only 4.5 acres, or less than 1% of the entire tract. Crowther, however, contends that the changes to Tunnel Hollow road can be seen from other points on the Property and, thus, affect more than the actual acreage that was altered. These disputes must be weighed and resolved by the finder of fact in its determination of reasonableness.

The parties also dispute the nature of the damage done to the Property. Changes to land itself are sometimes classified as “permanent” or “indefinite” injuries. In *Walker Drug Co., Inc. v. La Sal Oil Co.*, 972 P.2d 1238, 1241 (Utah 1998), for example, the court held that saturation of soil and groundwater with gasoline constituted a “permanent injury.” By contrast, injuries to “things” on land, such as a damaged fireplace, broken doors and locks, broken windows, uprooted ornamental lilac bushes, and holes in walls, have been generally classified as “temporary” injuries under Utah case law. See *Pehrson v. Saderup*, 498 P.2d 648 (Utah 1972); *Ault v. Dubois*, 739 P.2d 1117, 1119-21 (Utah Ct. App. 1987).

The Utah Supreme Court states that “[t]ypically, the measure of damages in trespass and

nuisance cases involving permanent or indefinite injury has been the diminished market value of the property, plus consequential losses to the use of the land or from discomfort or annoyance to the possessor.” *Walker Drug*, 972 P.2d at 1246 (internal citations and quotations omitted). In contrast to damages from permanent injuries, “damages from temporary injury, i.e., injury that is remediable, typically include compensation for the cost of remediation or repair to the property or the property’s diminished rental or use value during the period in which the injury persists, plus consequential damages.” *Walker Drug*, 972 P.2d at 1246.

Defendants state that the court in *Thorsen v. Johnson*, 745 P.2d 1243 (Utah 1987), found that the dredging of an irrigation ditch, including the uprooting of a number of trees, constituted a “permanent injury.” But the court did not specifically make a distinction between permanent and temporary injury. The *Thorsen* court merely found that applying the diminution of value test was the reasonable measure of damages in that case. The court noted that although the dissent recognized that another measure of damages was restoration costs, the “costs of restoration would be unreasonable since the value of an acre of similar land would be \$1,250 and restoration costs would exceed \$100,000 on the 1.08 acres which Thorsen damaged.” *Id.* at 1244 n.1. *Thorsen*, therefore, does not stand for the proposition that the loss of trees accompanying damage to the land itself is always considered a permanent injury. Utah cases involving the loss of trees do not foreclose restoration damages, they merely provide that such damages must be reasonable in relation to other relevant factors, such as the value of the property, the use of the property, etc.

There is also a factual dispute as to whether the nature of the alterations to the Property constitute permanent or temporary damages. Defendants’ conduct may well have caused both types of damages. Alterations to the road itself may be considered permanent whereas the

removal of trees may be considered temporary. At the summary judgment stage, however, with competing theories by the parties as to the nature of the actual damage and disputes as to whether the alterations can even be considered damaging, the court is not in a position to factually determine the nature of the damages to the Property. These determinations should be made at trial and the appropriate reasonable damages assessed accordingly. Because of the numerous factual disputes in this case, Crowther's motion for summary judgment seeking damages as a matter of law is denied.

II. Damages Under Utah Code Annotated Section 78B-6-1002

Crowther's motion for summary judgment also seeks an award of damages under Utah Code Annotated Section 78B-6-1002. This section provides treble damages for the unlawful removal of, or damage to, trees or bushes:

Any person who without authority cuts down or carries off any wood or underwood, tree or timber, or girdles or otherwise injures any tree or timber on the land of another person . . . without lawful authority, is liable to the owner of such land . . . for treble the amount of damages which may be assessed in a civil action.

Utah Code Ann. § 78B-6-1002.

Crowther claims that it is entitled to summary judgment because the undisputed evidence establishes that Crowther never gave Rocky Mountain or Prairie permission to remove or damage the trees and bushes on the Property, and Rocky Mountain and its agent Prairie entered upon the Property and cut down or uprooted over 240 trees that were valuable for aesthetic, recreational, and hunting purposes. Crowther asserts that the value of the lost trees amounts to \$108,000. Crowther, therefore, seeks treble damages on its Second Claim for Relief under Utah Code Annotated Section 78B-6-1002 in the amount of \$324,000.

Although Section 78B-6-1002 allows for treble damages in a civil action for unlawful removal of, or damages to, trees and timber, the Utah Supreme Court has held that treble damages may not be assessed against a party whose “trespass was committed through an innocent mistake as to the boundary or location of a tract of land claimed by defendant.” *Pehrson*, 498 P.2d at 651. In so holding, the court cited decisions from other states with substantially similar statutes that have interpreted the statutes as requiring that the trespass be willful and intentional. *See, e.g., Caldwell v. Walker*, 211 Cal. App.2d 758 (1963); *Earl v. Fordice*, 374 P.2d 713, 714 (Idaho 1962).

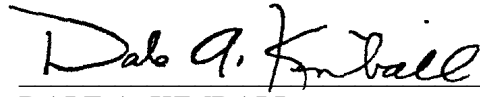
In the present case, Rocky Mountain was responsible for procuring all temporary easements and right-of-way access agreements. Prairie assumed that access agreements and necessary permission had been procured for the Property. Prairie contends that it believed in good faith that it had lawful access to the roads and its mistake was an innocent one. Rocky Mountain contends that one of its employees erroneously relied upon permission from holders of prescriptive easements rather than Crowther. Because the intent of the parties is in dispute, the court concludes that summary judgment as a matter of law is inappropriate. Accordingly, Crowther’s motion for summary judgment on the Second Claim for Relief under Utah Code Annotated Section 78B-6-1002 is denied.

CONCLUSION

For the foregoing reasons, Plaintiff TL Crowther LLC’s Motion for Summary Judgment is DENIED. The court, therefore, also concludes that Defendant Rocky Mountain Pipeline System LLC’s Motion to Strike is MOOT.

DATED this 20th day of May, 2010.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball". The signature is written in a cursive style with a horizontal line underneath it.

DALE A. KIMBALL

United States District Judge

2010 MAY 20 A 10-25

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION

CLERK OF COURT

U.S. DISTRICT COURT

UNITED STATES OF AMERICA, : CASE # 1:09CR00103 CW
:
Plaintiff, :
:
v. : PRELIMINARY ORDER OF
FORFEITURE
:
CASEY JAY BITTON, :
:
JUDGE Clark Waddoups
Defendant.

IT IS HEREBY ORDERED that:

1. As a result of a plea of guilty to Counts 1 and 3 of the Indictment for which the government sought forfeiture pursuant to 18 U.S.C. § 924(d) the defendant Casey Jay Bitton shall forfeit to the United States all property, real or personal, that is derived from, used, or intended to be used in violation of 26 U.S.C. § 5861(d) and 18 U.S.C. § 922(g)(1), including but not limited to:

- Savage Arms 20 Gauge Short Barrel Shotgun,
Serial Number: D125843

2. The Court has determined that based on a guilty plea of Possession of an Unregistered Sawed-Off Shotgun and Possession of a Firearm by a Convicted Felon that the above-named properties is subject to forfeiture, that the defendant had an interest in the

properties, and that the government has established the requisite nexus between such properties and such offense.

3. Upon entry of this Order the Attorney General, or its designee is authorized to seize and conduct any discovery proper in identifying, locating, or disposing of the properties subject to forfeiture, in accordance with Fed. R. Crim. P. 32.2(b)(3).

4. Upon entry of this Order the Attorney General or its designee is authorized to commence any applicable proceeding to comply with statutes governing third party interests, including giving notice of this Order.

5. The United States shall publish notice of this Order on its intent to dispose of the property in such a manner as the Attorney General may direct. The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the subject currency and property.

6. Any person, other than the above named defendants, asserting a legal interest in the subject property may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the Court for a hearing without a jury to adjudicate the validity of his alleged interest in the subject property, and amendment of the order of forfeiture pursuant to 21 U.S.C. § 853.

7. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendants at the time of sentencing and shall be made part of the sentence and included in the judgment.

8. Any petition filed by a third party asserting an interest in the subject property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's acquisition of the right, title, or interest in the subject property, any additional facts supporting the petitioners claim and relief sought.

9. After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Criminal Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

10. The United States shall have clear title to the subject property following the Court's disposition of all third party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853 which is incorporated by 18 U.S.C. § 982(b) for the filing of third party petitions.

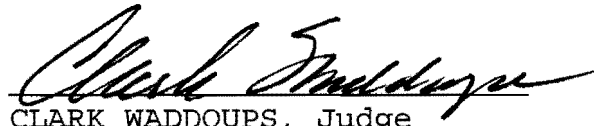
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11. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

Dated this 19th day of May, 2010.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Clark Waddoups", written over a horizontal line.

CLARK WADDOUPS, Judge
United States District Court

MELINDA A. MORGAN (08392)

VANTUS LAW GROUP, P.C.
3165 East Millrock Drive, Suite 160

Salt Lake City, Utah 84121

Telephone: (801) 833-0502

Facsimile: (801) 931-2500

Email: melinda@vantuslaw.com

FILED
U.S. DISTRICT COURT

2010 MAY 20 A 10:47

CLERK OF COURT

BY:
DEPUTY CLERK

Attorneys for Plaintiff Church Mutual Insurance Company

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

CHURCH MUTUAL INSURANCE
COMPANY, a Wisconsin corporation,

Plaintiffs,

vs.

KYLE MCCARTY, an individual,

Defendants.

DEFAULT CERTIFICATE

Case No. 1:10-cv-52

Judge Clark Waddoups

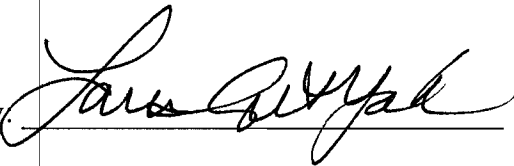
Defendant Kyle McCarty was served with process in this action on April 19, 2010.

Plaintiff returned an executed Summons with this Court on April 20, 2010. Defendant is not in the military. Having failed to plead or otherwise defend, and the time allowed by law for answering having expired, the default of said Defendant is hereby duly entered according to law.

ATTEST MY HAND, and the seal of this Court, this 20th day of May, 2010.

D. MARK JONES
CLERK OF THE COURT

By. _____

A handwritten signature in cursive script, appearing to read "Laura Ruyak", written over a horizontal line.

United States Probation Office
for the District of Utah

Report on Offender Under Supervision

Name of Offender: **Calvin Chad Sharp**

Docket Number: **2:04-CR-00483-001-DS**

Name of Sentencing Judicial Officer:

Honorable David Sam
Senior U.S. District Judge

Date of Original Sentence: **January 12, 2005**

Original Offense: **Felon in Possession of a Firearm; Possession of a Controlled Substance**

Original Sentence: **36 Months BOP Custody/36 Months Supervised Release**

Date of Violation Sentence: **May 12, 2009**

Violation Sentence: **7 Months BOP Custody/29 Months Supervised Release**

Date of Violation Sentence: **December 9, 2009**

Violation Sentence: **4 Months BOP Custody/28 Months Supervised Release**

Type of Supervision: **Supervised Release**

Current Supervision Began: **March 19, 2010**

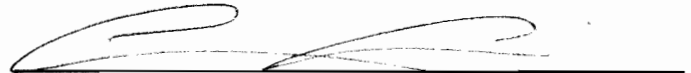
SUPERVISION SUMMARY

On May 4, 2010, the defendant provided a urinalysis sample, which tested positive for the use of THC. The sample was sent to a laboratory for further confirmation. On May 7, 2010, the sample was confirmed positive for the presence of marijuana. The defendant was verbally admonished, and he was advised that the Court would be notified of his non-compliance. As a sanction for his non-compliance, the defendant has been referred for a substance-abuse assessment and ordered to comply with the recommendations of the evaluation. Subsequent urinalysis testing has revealed no additional signs of the use of illicit controlled substances.

In an attempt to provide the defendant with every opportunity to be successful on probation, it is respectfully recommended that no further action be taken by the Court. If the defendant engages in additional non-compliant behavior, a petition will be submitted to the Court requesting a warrant.

If the Court desires more information or another course of action, please contact me at (801) 535-2813.

I declare under penalty of perjury that the foregoing is true and correct.



Cameron Sinner
U.S. Probation Officer
Date: May 18, 2010

THE COURT:

- ☒ Approves the request noted above
☐ Denies the request noted above
☐ Other



Honorable David Sam
Senior U.S. District Judge

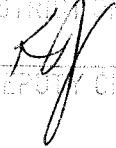
Date: 5/19/10

FILED
U.S. DISTRICT COURT

2010 MAY 18 P 5:19

Prepared by:

STEVEN B. KILLPACK, Federal Defender (#1808)
ROBERT L. STEELE, Assistant Federal Defender (#5546)
UTAH FEDERAL DEFENDER OFFICE
Attorney for Defendant
46 West Broadway, Suite 110
Salt Lake City, Utah 84101
Telephone: (801) 524-4010
Facsimile: (801) 524-4060

DISTRICT OF UTAH
BY: 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCES MARIE AREGO,

Defendant.

**ORDER FOR CONDITIONAL
RELEASE OF DEFENDANT**

Case No. 2:04 CR 835 DAK

Honorable Dale A. Kimball

On May 13, 2010, a hearing was held by this Court. The defendant was not present but was represented by her attorney, Robert L. Steele. The United States was represented by Assistant United States Attorney Lynda R. Krause, who agrees that this is the order of the Court.

Based upon the stipulation of counsel, the Annual Update of March 9, 2009, and the Social Work Conditional Release Plan of May 3, 2010, prepared by the U.S. Bureau of Prisons, and pursuant to 18 U.S.C. 4246(e) the Court **FINDS** by a preponderance of the evidence that Ms. Arego has recovered from her mental disease or defect to such an extent that her conditional

release under a prescribed regimen of psychiatric and psychological care and treatment would no longer create a substantial risk of bodily injury to another person or serious damage to property of another.

Based upon the Memorandum of April 29, 2010, prepared by the U.S. Probation and Pretrial Services Office, the Court **ORDERS** that the defendant shall be released on Conditional Release by the Bureau of Prisons and accompanied to Salt Lake City by a clinical staff member along with a 30 day supply of medications in such a way that she arrives on June 15, 2010.

The Court further **ORDERS** that the defendant shall comply with the following conditions:

1. The defendant shall participate in a mental health treatment program under a copayment plan as directed by the probation office, take any mental health medications as prescribed, and not possess or consume alcohol, nor frequent businesses where alcohol is the primary item of order, during the course of treatment or medication.
2. The defendant will submit to drug/alcohol testing under a copayment plan as directed by the probation office.
3. The defendant shall participate in a substance-abuse evaluation and/or treatment under a copayment plan as directed by the probation office. During the course of treatment, the defendant shall not consume alcohol nor frequent any establishment where alcohol is the primary item of order.
4. The defendant shall not commit another federal, state or local crime and shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

5. The defendant shall comply with all applicable mandatory and standard conditions of supervision.

6. The defendant is to have no contact with the person named as the victim of the charge against her.

DATED this 18th day of May, 2010.

BY THE COURT:


HONORABLE DALE A. KIMBALL
United States District Court Judge

CARLIE CHRISTENSEN, Acting United States Attorney (#633)
CARLOS A. ESQUEDA, Assistant United States Attorney (#5386)
ERIC G. BENSON, Assistant United States Attorney (#10414)
Attorneys for the United States of America
185 South State Street, Suite 300
Salt Lake City, Utah 84111
Telephone: (801) 524-5682

FILED
U.S. DISTRICT COURT

2010 MAY 20 A 10:26

DISTRICT OF UTAH

BY: FRANK COLE

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	2:06CR811CW
Plaintiff,	:	ORDER FOR EXTENSION OF TIME
vs.	:	
THOMAS JAMES ZAJAC,	:	
Defendant.	:	Judge Clark Waddoups

Based upon the motion of the United States of America, stipulation of the parties
and good cause appearing thereof,


IT IS HEREBY ORDERED that the United States' Motion for Extension of
Time to file Daubert Response Memoranda for Trace Evidence, Explosive Enforcement
Analysis, Authorial Attribution and Fingerprint Analysis is granted for an additional
eleven (11) days to June 1, 2010

//

//

Dated this 19th day of May 2010.

BY ORDER OF THE COURT:


CLARK WADDOUPS
United States District Court

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the United States Attorney's Office and a copy of the foregoing MOTION FOR EXTENSION OF TIME, was provided via electronic filing by CM/ECF MAILED/DELIVERED to all parties listed below this 13th day of May 2010.

Deirdre A. Gorman
Attorney for Defendant
205 26th Street, Suite 32
Bamberger Square Building
Ogden, Utah 84401

Edwin S. Wall
Attorney for Defendant
341 South Main Street, Suite 406
Salt Lake City, Utah 84111

Julie Almand

FILED
U.S. DISTRICT COURT

RECEIVED

MAY 19 2010

2010 MAY 20 A 10:30

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

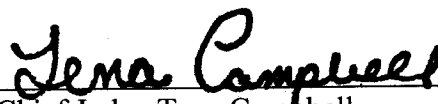
OFFICE OF
JUDGE TENA CAMPBELL

<p>BY: _____ K-TEC, INC., a Utah corporation, Plaintiff, vs. VITA-MIX CORP., an Ohio corporation, Defendant.</p>	<p>ORDER Civil Case No. 2:06-CV-108 Chief Judge Tena Campbell Magistrate Judge Paul M. Warner</p>
--	--

Having reviewed the parties' Stipulated Motion regarding the deadline to submit proposed voir dire, the Court hereby GRANTS the Motion. The Court hereby ORDERS that the parties shall file their proposed voir dire with the Court by May 28, 2010.

IT IS SO ORDERED.

Dated this 19th day of May, 2010.



Chief Judge Tena Campbell
United States District Court

RT FILED
U.S. DISTRICT COURT
DIVISION
JUN 18 P 5 11

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Civil No. 2:10-CV-0465BSJ

(Bankr. No. 10-25886)

ORDER OF CONSOLIDATION

(Fed. R. Civ. P. 42(a))

Debtor.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

SO ORDERED.

76

BY THE COURT:

Brian D. Jenkins

BRUCE S. JENKINS
United States Senior District Judge

UNITED STATES DISTRICT COURT

District of Utah

UNITED STATES OF AMERICA

v.

MICHAEL JEROME IBARRA

Judgment in a Criminal Case

(For Revocation of Probation or Supervised Release)

Case No. DUTX207CR000433-001-TS

USM No. 08621-081

Lynn Donaldson

Defendant's Attorney

THE DEFENDANT:

☒ admitted guilt to violation of condition(s) 1, 3, 5, and 6 of the Petition of the term of supervision.

☐ was found in violation of condition(s) _____ after denial of guilt.

The defendant is adjudicated guilty of these violations:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
1	Defendant failed to submit to unscheduled drug testing.	
3	Defendant failed to attend substance-abuse treatment.	
5	Defendant failed to notify his probation officer 10 days prior to a change in residence.	

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☒ The defendant has not violated condition(s) 4 of the Petition and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Last Four Digits of Defendant's Soc. Sec. No.: 5615

Defendant's Year of Birth: 1977

City and State of Defendant's Residence:
Salt Lake City, UT

05/18/2010

Date of Imposition of Judgment

Signature of Judge

The Honorable Ted Stewart

U. S. District Judge

Name and Title of Judge

05/19/2010

Date

DEFENDANT: MICHAEL JEROME IBARRA

CASE NUMBER: DUTX207CR000433-001-TS

ADDITIONAL VIOLATIONS

[illegible]

DEFENDANT: MICHAEL JEROME IBARRA
CASE NUMBER: DUTX207CR000433-001-TS

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of :

13 months

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court recommends incarceration in FCI Phoenix

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: MICHAEL JEROME IBARRA
CASE NUMBER: DUTX207CR000433-001-TS

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

NONE

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☐ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is be a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Don Winder, Utah Bar No. 3519
WINDER & COUNSEL, P.C.
175 W. 200 South, Suite 4000
P.O. Box 2668
Salt Lake City, Utah 84110
Tel: (801) 322-2222

Hank Anderson, Texas Bar No. 01220500
Gant A. Grimes, Texas Bar No. 24042651
THE ANDERSON LAW FIRM
4245 Kemp Blvd.
Suite 810
Wichita Falls, Texas 76308
Tel: (940) 691-7600
Admitted Pro Hac Vice

ATTORNEYS FOR PLAINTIFF

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH
CENTRAL DIVISION

DAVID CALDER, Individually, and as Father
and Guardian of HMP, a Deceased Minor,

Plaintiff,

vs.

BLITZ U.S.A., INC.

Defendant.

**ORDER GRANTING PLAINTIFF'S
MOTION FOR LEAVE TO FILE
LENGTHY MEMORANDA**

Case No. 2:07-cv-387

Chief District Judge Tena Campbell

Magistrate Judge Paul M. Warner

For the reasons set forth in Plaintiff's Motion for Leave to File Lengthy Memoranda,¹ and based upon good cause appearing, the motion is **GRANTED**. Plaintiff's Reply to Defendant Blitz U.S.A., Inc.'s Opposition to Plaintiff's Motion for Terminating Sanctions for Spoliation and

¹ See docket no. 152.

Discovery Abuse and Consolidation of Sanctions Issue shall be allowed to be a total of thirty-eight (38) pages.

IT IS SO ORDERED.

DATED this 20th day of May, 2010.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul M. Warner", is written over a horizontal line.

PAUL M. WARNER
United States Magistrate Judge

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

SOPHIA STEWART,

Plaintiff,

v.

MICHAEL T. STOLLER, JONATHAN
LUBELL, GARY S. BROWN, and DEAN
WEBB,

Defendants.

**ORDER DENYING MOTION FOR
EXTENSION OF TIME**

Case No. 2:07-cv-00552-CW-BCW

Judge Brooke C. Wells

Before the Court is Plaintiff Sophia Stewart’s motion for extension of time. Plaintiff seeks a “continuance of three months duration to enable Plaintiff to either secure new attorneys or prepare several dispositive motions that will expedite this action forward.”¹ Plaintiff alleges that her attorneys can no longer represent her. But, as noted by Defendant Dean Webb in opposition,² there is no current motion by Plaintiff’s counsel to withdraw. It is therefore

ORDERED that Plaintiff’s motion is DENIED as premature. Moreover, this Court recently entered an amended scheduling order that provides adequate time for Plaintiff to pursue her case.³ In the Court’s view, there is no need at this time for any extension of time. Plaintiff should diligently prosecute her matter and if necessary obtain new counsel in a timely manner.

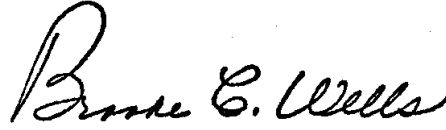
¹Mtn p. 1.

²Docket no. 100.

³Docket no. 97.

DATED this 20th day of May, 2010.

BY THE COURT:

A handwritten signature in black ink, reading "Brooke C. Wells". The signature is written in a cursive style with a large initial "B".

BROOKE C. WELLS

United States Magistrate Judge

FILED
U.S. DISTRICT COURT

2013 MAY 20 PM 2:22

DIST. CLERK

DEPT. CLERK

Gordon Strachan, Esq. (3133)
Kevin J. Simon, Esq. (8100)
STRACHAN, STRACHAN & SIMON, P.C.
401 Main Street, Second Floor
P.O. Box 1800
Park City, Utah 84060-1800
Telephone: (435) 649-4111
Facsimile: (435) 645-9429
Attorneys for plaintiff Deer Valley Resort Company

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

DEER VALLEY RESORT COMPANY,

Plaintiff,

v.

CHRISTY SPORTS LLC, a Colorado limited liability
company,

Defendant.

ORDER

Civil No. 2:07-cv-00904

Judge Clark Waddoups

Based on the Second Stipulated Motion to Extend Time to File a Response/Opposition to Defendant's Motion to Alter or Clarify the Judgment, this Court hereby GRANTS the Second Stipulated Motion and ORDERS that plaintiff DVRC shall have up to and through Tuesday, June 15, 2010 to file an Opposition or other Response to defendant Christy's Motion to Alter or Clarify the Judgment.

DATED this 20th of May, 2010.

BY ORDER OF THIS COURT:

A handwritten signature in black ink, appearing to read "Clark Waddoups", written over a horizontal line.

The Honorable Clark Waddoups
United States District Court Judge
District of Utah

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing [**PROPOSED**] **ORDER** was served by electronic mail on the 20th day of May, 2010, on the following:

Richard Flint, Esq.
Holme Roberts & Owen
299 South Main Street, Suite 1800
Salt Lake City, Utah 84111
e-mail: richard.flint@hro.com

/s Kevin J. Simon

PAUL C. BURKE (7826)
JONATHAN G. PAPPASIDERIS (9860)
RAY QUINNEY & NEBEKER P.C.
36 South State Street, Suite 1400
P.O. Box 45385
Salt Lake City, UT 84145-0385
Telephone: (801) 532-1500
E-Mail: pburke@rqn.com
jpappasideris@rqn.com

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

MAY 20 2010
D. MARK JONES, CLERK
BY _____
DEPUTY CLERK

Attorneys for Defendant Twinlab Corporation

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

BONNIE HARRIS,

Plaintiff,

v.

TWINLAB CORPORATION,

Defendant.

**ORDER GRANTING JOINT MOTION
FOR APPROVAL OF STIPULATION TO
AMEND SCHEDULING ORDER**

Case No.: 2:07CV00989DB

Judge: Dee Benson

Based on the Joint Motion for Approval of Stipulation to Amend Scheduling Order filed by Plaintiff Bonnie Harris ("Harris") and Defendant Twinlab Corporation ("Twinlab"), and good cause appearing, THE COURT HEREBY ORDERS AS FOLLOWS:

1. The Joint Motion for Approval of Stipulation to Amend Scheduling Order is granted.
2. The prior Order Granting Joint Motion for Approval of Stipulation to Amend Scheduling Order dated December 15, 2009¹ is amended as follows:

¹ See Document 31.

- A) The deadline for Harris to submit expert reports is extended from April 9, 2010 to July 30, 2010.
- B) The deadline for Twinlab to submit expert reports is extended from May 7, 2010 to August 27, 2010.
- C) The fact discovery deadline is extended from June 4, 2010 to September 24, 2010.
- D) The rebuttal expert report deadline is extended from June 18, 2010 to October 8, 2010.
- E) The expert discovery deadline is extended from June 18, 2010 to October 8, 2010.
- F) The dispositive motion deadline is extended from August 13, 2010 to December 17, 2010.

3. Additionally, the following deadlines/events (none of which are currently set) are extended/rescheduled to new dates to be established by the Court, which new dates shall be after December 17, 2010:

- A) Harris' Pretrial Disclosure Deadline
- B) Twinlab's Pretrial Disclosure Deadline
- C) Settlement Conference Deadline
- D) Special Attorney Conference Deadline
- E) Final Pretrial Conference
- F) Jury Trial

DATED this 20 day of may, 2010.

BY THE COURT:



The Honorable Dee Benson
District Judge

Approved as to Form and Content:

LAW OFFICE OF CHARLES A. SCHULTZ

/s/ Charles A. Schultz
Charles A. Schultz
(Permission to Sign Given Via E-Mail)

Attorney for Plaintiff Bonnie Harris

RAY QUINNEY & NEBEKER P.C.

/s/ Paul C. Burke
Paul C. Burke
Jonathan G. Pappasideris

Attorneys for Defendant Twinlab Corporation

1083212

200 MAY 20 A 10: 26

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION

LISTED CLERK
BY: ~~CLERK~~

UNITED STATES OF AMERICA, : CASE # 2:08CR00531 TS
:
Plaintiff, :
:
v. : PRELIMINARY ORDER OF
FORFEITURE
:
ROBERT WAYLON BURTON, : JUDGE Ted Stewart
:
Defendant.

IT IS HEREBY ORDERED that:

1. As a result of a plea of guilty to Counts 6, 8 and 9 of the Indictment for which the government sought forfeiture pursuant to 18 U.S.C. § 924(d) the defendant Robert Waylon Burton shall forfeit to the United States all property, real or personal, that is derived from, used, or intended to be used in violation of 26 U.S.C. § 841(a)(1), 18 U.S.C. § 922(k) and 18 U.S.C. § 922(j), including but not limited to:

- Sterling .25 caliber Handgun
- Remington Rifle
- Chipmunk Rifle
- England Rifle

2. The Court has determined that based on a guilty plea of Possession of Methamphetamine with Intent to Distribute,

Possession a Firearm with an Obliterated Serial Number, and Possession of Stolen Firearms that the above-named properties is subject to forfeiture, that the defendant had an interest in the properties, and that the government has established the requisite nexus between such properties and such offense.

3. Upon entry of this Order the Attorney General, or its designee is authorized to seize and conduct any discovery proper in identifying, locating, or disposing of the properties subject to forfeiture, in accordance with Fed. R. Crim. P. 32.2(b)(3).

4. Upon entry of this Order the Attorney General or its designee is authorized to commence any applicable proceeding to comply with statutes governing third party interests, including giving notice of this Order.

5. The United States shall publish notice of this Order on its intent to dispose of the property in such a manner as the Attorney General may direct. The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the subject currency and property.

6. Any person, other than the above named defendants, asserting a legal interest in the subject property may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the Court for a hearing without a jury to adjudicate the validity of his alleged interest

in the subject property, and amendment of the order of forfeiture pursuant to 21 U.S.C. § 853.

7. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendants at the time of sentencing and shall be made part of the sentence and included in the judgment.

8. Any petition filed by a third party asserting an interest in the subject property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's acquisition of the right, title, or interest in the subject property, any additional facts supporting the petitioners claim and relief sought.

9. After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Criminal Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

10. The United States shall have clear title to the subject property following the Court's disposition of all third party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853 which is incorporated by 18 U.S.C. § 982(b) for the filing of third party petitions.

11. The Court shall retain jurisdiction to enforce this

Order, and to amend it as necessary, pursuant to Fed. R. Crim. P.
32.2(e).

Dated this 19th day of May, 2010.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Ted Stewart", is written over a horizontal line.

TED STEWART, Judge
United States District Court

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

PATMOS ENERGY, a Utah limited liability
company,

Plaintiff,

v.

SST ENERGY, a Colorado corporation,

Defendant.

ORDER TO SHOW CAUSE

Case No. 2:08-cv-00166-DB-BCW

Judge Brooke C. Wells

Before the Court is Patmos Energy LLC's Motion for Order to Show Cause.¹ Patmos moves the Court for "an Order to Show Cause as to defendants and counterclaim plaintiffs Jake Oil, L.L.C., Jake Oil & Gas Consultants and Jake Oilfiled Rental and Supply, L.L.C. (collectively, the 'Jake Oil Parties')"² based upon their failure to obtain counsel in this case.

Following a hearing held on September 28, 2009, this Court signed an Order granting the motion to withdraw filed by counsel for the Jake Oil Parties.³ At the hearing, the Court provided the Jake Oil Parties twenty (20) days to obtain new counsel. As noted by Patmos, the Jake Oil Parties have failed to comply with this Court's order and there has been no appearance of record for new counsel. Because the Jake Oil Parties are limited liability companies, they must be

¹Docket no. 180.

²Mtn p. 1.

³Docket no. 134.

represented by counsel to proceed in this matter.⁴ Therefore in an effort to prevent further delay the Court HEREBY ORDERS AS FOLLOWS:

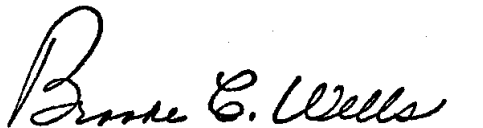
The Jake Oil Parties are hereby ORDERED to SHOW GOOD CAUSE in writing for their failure to obtain counsel within twenty (20) days from the date of this order. Failure to comply with this order may result in severe sanctions including the dismissal of the Jake Oil Parties' counterclaims for failure to prosecute.

IT IS FURTHER ORDERED that Patmos shall serve a copy of this order upon the Jake Oil Parties at the last known address on file with the Court.⁵ Patmos is to file proof of such service with the Court.

IT IS ORDERED:

DATED this 19th day of May, 2010.

BY THE COURT:

A handwritten signature in black ink, reading "Brooke C. Wells", written over a horizontal line.

BROOKE C. WELLS
United States Magistrate Judge

⁴*See Rowland v. California Men's Colony*, 506 U.S. 194, 201-02 (1993) ("It has been the law for the better part of two centuries, . . . , that a corporation may appear in the federal courts only through licensed counsel."); *Turner v. American Bar Assn.*, 407 F.Supp. 451, 476 (ND Tex. 1975 (citing the "long line of cases" from 1824 to the present holding that a corporation may only be represented by licensed counsel)).

⁵Jake Oil Parties c/o Eric H. Olsen, 208 North 29th Street Suit 230, Billings, Montana 59101.

DENNIS C. FERGUSON (A1061)

WILLIAMS & HUNT

Attorneys for Defendant West Valley City Housing Authority

257 East 200 South, Suite 500

Post Office Box 45678

Salt Lake City, Utah 84145-5678

Telephone: 801-521-5678

Facsimile: 801-364-4500

dferguson@wilhunt.com

**UNITED STATES DISTRICT COURT, DISTRICT OF UTAH
CENTRAL DIVISION**

DALE BRANTLEY,

Plaintiff,

v.

WEST VALLEY CITY HOUSING AUTHORITY,

Defendant.

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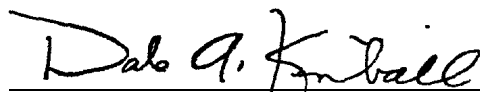
**ORDER OF DISMISSAL WITH
PREJUDICE**

Civil No. 2:08 cv 00573

Judge Dale A. Kimball

Based upon the Stipulation and Joint Motion of the parties and just cause appearing, it is hereby ORDERED that Plaintiff's Complaint, claims, and legal action be and the same are hereby dismissed with prejudice. Each of the parties shall bear his or its respective costs and attorneys fees incurred herein.

DATED this 20th day of May, 2010.



DALE A. KIMBALL

U.S. DISTRICT COURT JUDGE

Approved as to form and content:

UTAH LEGAL SERVICES

/s/ Martin S. Blaustein

Attorneys for Plaintiff Dale Brantley

Sally B. McMinimee (#5316) sbm@princeyeates.com
Jared N. Parrish (#11743) jnp@princeyeates.com
Jennifer R. Korb (#9147) jrk@princeyeates.com
PRINCE YEATES & GELDZAHLER
A Professional Corporation
Attorneys for Plaintiff
175 East 400 South, Suite 900
Salt Lake City, UT 84111
Telephone: (801) 524-1000

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

MAY 20 2010

D. MARK JONES, CLERK
BY _____
DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

ROBERT G. WING, as Receiver for
VESCOR CAPITAL CORP., a Nevada
corporation, et al.,

Plaintiff,

vs.

CHRISTOPHER D. LAYTON, et al.,

Defendants.

**ORDER GRANTING STIPULATED
MOTION FOR EXTENSION OF TIME**

Civil No. 2:08cv708

Judge Dee Benson

DOUGLAS R. MALAN AND D&J
PROPERTIES, LLC, a Nevada limited
liability company,

Counterclaimant,

vs.

ROBERT G. WING, as Receiver for
VESCOR CAPITAL CORP., a Nevada
corporation, et al.,

Counterclaim

Defendants.

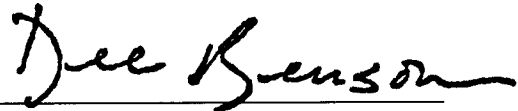
<p>CROMWELL PROPERTY MANAGEMENT, LLC, a Nevada limited liability company, et al.,</p> <p>Counterclaimants,</p> <p>v.</p> <p>VESCOR DEVELOPMENT, LLC, a Nevada limited liability company, et al.,</p> <p>Counterclaim Defendants.</p>	
<p>CROMWELL PROPERTY MANAGEMENT, LLC, a Nevada limited liability company, et al.,</p> <p>Third-Party Plaintiffs,</p> <p>v.</p> <p>APEX CAPITAL 1, LLC, a Nevada limited liability company, et al.,</p> <p>Third-Party Defendants.</p>	

Having reviewed the parties' Stipulated Motion for Extension of Time ("Motion"), and good cause otherwise appearing, it is hereby:

ORDERED that the Motion is granted. Plaintiffs shall have up to and including Tuesday, June 15, 2010 in which to file a response to Layton Defendants Christopher D. Layton, ATG Capital, Siena Office Park 2, LLC, Siena Office Park 3, LLC, SOP Equity, LLC, Cromwell Property Management, SOP 871, LLC, Moriarty, LLC and Icarus Holdings' Motion for Summary Judgment.

DATED this 20th day of May, 2010.

BY THE COURT:

A handwritten signature in cursive script that reads "Dee Benson". The signature is written in black ink and is positioned above a horizontal line.

Honorable Dee Benson
United States District Court Judge

FILED
U.S. DISTRICT COURT

2010 MAY 14 P 3:17

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

MICHAEL M. MILLER,

2:08cv00740 SA

Plaintiffs, :

vs. :

PROPOSED ORDER

UNITED STATES OF AMERICA, et al :

Defendant. :

Hon. Samuel Alba

On May 13, 2010, the parties appeared before Magistrate Judge Samuel Alba for a status conference. Following discussion of the matter with counsel, the Court enters the following order:

IT IS HEREBY ORDERED that a one-day evidentiary hearing is set for **Monday, July 12, 2010, at 8:30 a.m.**, in Courtroom 248, on the discrete issue of whether William Scott Hongell acted within the scope of his employment with the United States Postal Service at the Alta Canyon Post Office in Sandy, Utah on May 26, 2006.

IT IS HEREBY ORDERED that Plaintiff may present his own testimony and the testimony of two witnesses as to their observation of the interaction between Plaintiff and Mr. Hongell on May 26, 2006.

IT IS HEREBY ORDERED that Defendant may present the testimony of Mr. Hongell, the testimony of two witnesses as to their observation of the interaction between Plaintiff and Mr. Hongell on May 26, 2006, and the testimony of the three supervisors who provided instructions as to how to respond to Plaintiff on May 26, 2006.

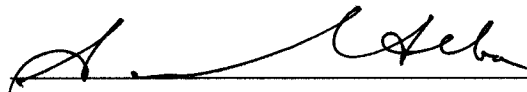
IT IS HEREBY ORDERED that the parties will exchange exhibit and witness lists no later than **Thursday, July 1, 2010**.

IT IS HEREBY ORDERED that Plaintiff will submit to counsel for the United States any request for production of documents from Mr. Hongell no later than **Monday, May 17, 2010**.

IT IS FURTHER ORDERED that, pursuant to Plaintiff's counsel's statement on the record at the hearing, Plaintiff's Motion to Vacate Defendant United States' Substitution as Party Defendant (Docket #24) is denied with prejudice with respect to Steve Wood and Dan Corral.

DATED this 14th day of May, 2010.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'S. Alba', is written over a horizontal line.

Samuel Alba
United States Magistrate Judge

JESUS MORENO, MANUEL RAMIREZ,
AND JESUS BARAJAS, ON BEHALF OF
THEMSELVES AND OTHER SIMILARLY
SITUATED,

Plaintiffs,

v.

ZITTING BROTHERS CONSTRUCTION,
INC., SAMUEL ZITTING, AND JARED
ZITTING,

Defendants.

**ORDER GRANTING JOINT MOTION
TO EXTEND FACT DISCOVERY
DEADLINE**

Civil No. 2:08-CV-00995 DAK

Judge Dale A. Kimball

ORDER

Upon consideration of the Joint Motion to Extend Fact Discovery Deadline and the entire record herein, the Court hereby grants the Motion and orders that the current schedule be modified as follows:

DEADLINES

**EXISTING
DATE**

**NEW
DATE**

Discovery to be completed by:

Fact Discovery

5/31/2009

6/30/10

Expert Discovery

9/15/2010

No change

Deadline for filing dispositive or potentially dispositive motions


10/1/2010

No change

Other dates set by the Court's Order of January 19, 2010 (Docket No. 68) shall remain

in place.

DATED this 20th day of May, 2010.


Dale A. Kimball
United States District Judge

FILED
U.S. DISTRICT COURT

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DISTRICT OF UTAH

BY: ENTER HERE

Anthony C. Kaye (#8611)
Sharon M. Bertelsen (#9759)
BALLARD SPAHR LLP
One Utah Center, Suite 800
201 South Main Street
Salt Lake City, Utah 84111-2221
Telephone: (801) 531-3000
Facsimile: (801) 531-3001
kaye@ballardspahr.com
bertensens@ballardspahr.com

Attorneys for Plaintiff Sorenson Communications, Inc.

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

**SORENSEN COMMUNICATIONS, INC.,
a Utah Corporation,**

Plaintiff,

v.

**LISA COTMAN, JOHN DOES 1-10, whose
identities are presently unknown, DOE
COMPANIES 1-10, whose identities are
presently unknown,**

Defendants.

~~**[PROPOSED]**~~

DEFAULT CERTIFICATE

Case No.: 2:08-cv-00996

Honorable Clark Waddoups

In this action, Defendant Lisa Cotman having been served with the Amended Complaint, and having failed to appear and answer the Amended Complaint, and the time allowed by law having expired, the Clerk of the Court hereby enters the default of Defendant Lisa Cotman.

DATED this th 20 day of May 2010.

D. HOWARD JONES

Clerk of the Court
United States District Court
District of Utah, Central Division

by James R. [Signature]

MINUTES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

JUDGE: Hon. David Sam

COURT REPORTER: Ed Young

COURTROOM DEPUTY: Theresa Brown

INTERPRETER:

CASE NO. 2:09-cr-46

USA v. Frank Dean Vasquez

Approved By: DU 5/19/10

APPEARANCE OF COUNSEL

Pla Adam Elggren, AUSA
Dft Parker Douglas, FPD

DATE: 05/18/2010

MATTER SET: Change of Plea

DOCKET ENTRY:

Defendant is sworn and answers questions posed by the court. Statement in Advance of Plea of Guilty is executed and filed in court. The court finds defendant is acting freely and voluntarily and there is a factual basis for the entry of a plea of guilty. Defendant enters plea of guilty to Count VI of indictment. The court accepts plea and orders presentence report. Sentencing is set for 7/27/10 @ 2:30 p.m. Defendant is remanded to USMS.

Matthew R. Lewis #7919
RAY QUINNEY & NEBEKER P.C.
36 South State Street, Suite 1400
P.O. Box 45385
Salt Lake City, Utah 84145-0385
Telephone: (801) 532-1500
Fax: (801) 532-7543

FILED
U.S. DISTRICT COURT

200 MAY 20 A 10:25

U.S. DISTRICT COURT
SALT LAKE CITY

Attorneys for Defendant Ricardo Francisco Rodriguez-Hernandez

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICARDO FRANCISCO RODRIGUEZ-
HERNANDEZ,

Defendant.

~~PROPOSED~~ ORDER GRANTING
MOTION TO WITHDRAW AS
COUNSEL

Case No. 2:09-cr-00836

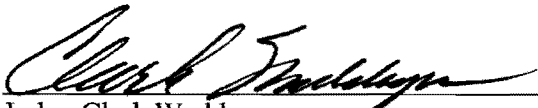
Judge Clark Waddoups

Based upon the motion of counsel and good cause appearing,

IT IS HEREBY ORDERED, that Matthew R. Lewis and Ray Quinney & Nebeker P.C.
are allowed to withdraw as counsel for the Defendant Ricardo Francisco Rodriguez-Hernandez.

DATED this 19th day of May, 2010.

BY THE COURT:


Judge Clark Waddoups

United States District Court
for the District of Utah

Request and Order to Amend Conditions of Pretrial Release

Name of Defendant: **Jeffrey Bruce Smith**

Docket Number: **2:09-CR-00909-001-DAK**

Name of Judicial Officer: **Honorable Paul M. Warner, United States Magistrate Judge**

Date of Release: **January 6, 2010**

PETITIONING THE COURT

☒ To amend the conditions of pretrial release as follows:


The defendant shall participate in the United States Probation and Pretrial Services Office Computer and Internet Monitoring Program under a co-payment plan, and will comply with the provisions outlined in: Appendix C, Restricted Computer Access (No computer or Internet access except for approved employment)

Furthermore, all computers, Internet-accessible devices, media-storage devices, and digital media accessible to the defendant are subject to manual inspection/search, configuration, and the installation of monitoring software and/or hardware.

CAUSE

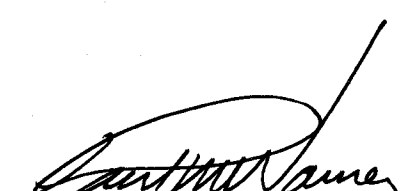
On January 6, 2010, the defendant was ordered to have no computer or internet access except for work purposes only. The defendant's current release conditions were ordered by the Court prior to the implementation of the recently revised condition for monitoring computer and internet access. The wording of the new release condition enables Pretrial Services to more effectively monitor computer and internet conditions, therefore, it is respectfully recommended that the above language be ordered.

I declare under penalty of perjury that the foregoing is true and correct


Annie Carr
United States Pretrial Services Officer
Date: May 18, 2010

THE COURT ORDERS:

- ☒ That the conditions of pretrial release be amended as outlined above
- ☐ No action
- ☐ Other


Honorable Paul M. Warner
United States Magistrate Judge
Date: 19 May 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

MAY 19 2010

BY D. MARK JONES, CLERK
DEPUTY CLERK

UNITED STATES OF AMERICA

Plaintiff,

MICHAEL WHITEHORSE

Defendant

ORDER FOR PSYCHOSEXUAL
EXAMINATION & TESTING

2:09-CR-00920-002

It appears that psychosexual examination and testing of the defendant is necessary in order that a more complete presentence report may be prepared pursuant to Rule 32(c) of the Federal Rules of Criminal Procedure.

IT IS THEREFORE ORDERED that the defendant submit to an examination conducted by a qualified practitioner as directed by the Probation Office to provide information to the Court pursuant to 5 U.S.C. § 3109.

IT IS FURTHER ORDERED that investigative information may be released to the provider for purposes of testing and evaluation.

IT IS FURTHER ORDERED that the United States Probation Office shall pay all reasonable and necessary expenses from funds allocated for such purposes.

DATED this 19th day of May, 2010.

BY THE COURT:


Ted Stewart
United States District Judge

FILED
U.S. DISTRICT COURT
2010 MAY 20 A 10:26
DISTRICT OF UTAH
BY CLERK

Donald J. Winder #3519
Lance F. Sorenson #10684
WINDER & COUNSEL, P.C.
175 West 200 South #4000
P. O. Box 2668
Salt Lake City, Utah 84110-2668
Telephone: (801) 322-2222

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

<p>FLICKINGER & SUTTERFIELD, PC</p> <p>Plaintiff,</p> <p>vs.</p> <p>DENNIS M. SULLIVAN,</p> <p>Defendants.</p>	<p>ORDER TO CONTINUE TRIAL DATE</p> <p>Case No.: 2:09-cv-00033</p> <p>Judge Clark Waddoups</p>
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The court, having reviewed the stipulation of the parties, and for good cause appearing, hereby GRANTS the Stipulated Motion to Continue the Trial and change the July 6, 2010 pretrial hearing to a status conference.

DATED this 19th day of May, 2010.

BY THE COURT


HONORABLE CLARK WADDOUPS

APPROVED AS TO FORM:

JEFFS AND JEFFS

A handwritten signature in black ink, appearing to read "Robert Jeffs", with a long horizontal flourish extending to the right.

Robert Jeffs

Liisa Hancock

Attorneys for Plaintiff

KEVIN J. SUTTERFIELD (3872)
BRETT R. BOULTON (10802)
Flickinger & Sutterfield, P.C.
300 Esquire Building
3000 N. University Avenue
Provo, Utah 84604
(801) 370-0505
Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

MICHAEL G. DAVIS,

Plaintiff

v.

UNITED STATES OF AMERICA,

Defendant.

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Civil Action No. 2:09cv0469 TS

Honorable Ted Stewart

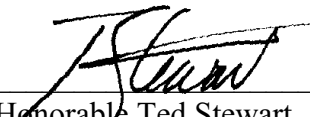
ORDER OF DISMISSAL

The Plaintiff having filed a “Notice of Dismissal” with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1), and good cause appearing therefor,

IT IS HEREBY ORDERED that the above-captioned case is dismissed with prejudice.

Dated this 19th day of May, 2010.

BY THE COURT:



Honorable Ted Stewart
United States District Court Judge

Andrew H. Stone (USB #4921)
Brent A. Orozco (USB #9572)
JONES WALDO HOLBROOK & McDONOUGH PC
170 South Main Street, Suite 1500
Salt Lake City, Utah 84101
Telephone: (801) 521-3200

Attorneys for Defendant Marvell Semiconductor, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

NOVELL, INC., a Delaware corporation,	:	STIPULATED PROTECTIVE ORDER
	:	GOVERNING THE DISCLOSURE OF
Plaintiff,	:	CONFIDENTIAL INFORMATION
	:	
vs.	:	
	:	Civil No. 2:09cv00674
MARVELL SEMICONDUCTOR, INC., a	:	
California corporation,	:	Judge Dale A. Kimball
	:	
Defendant.	:	

Pursuant to the parties' Joint Motion and Stipulation for Entry of Protective Order
Governing the Disclosure of Confidential Information ("Joint Motion"), and good cause
appearing,

IT IS HEREBY ORDERED that:

1. All Classified Information (as defined below) produced or exchanged in the
course of this litigation shall be used solely for the purpose of preparation for trial and trial of the
above-captioned case, and/or for any writs or appeals concerning such cases (the "Action"), and

for no other purpose whatsoever, and shall not be disclosed to any person except in accordance with the terms hereof.

2. “Classified Information,” as used herein, means any information of any type, kind or character which is designated as “Confidential” or “Confidential – Attorneys’ Eyes Only” by any of the supplying or receiving parties or third parties, whether it be a document, information contained in a document, information revealed during a deposition, information revealed in an interrogatory answer or otherwise. In designating information as “Confidential” or “Confidential – Attorneys’ Eyes Only,” a party or third party will make such designation only as to that information that it in good faith believes contains confidential information. Information or material that is available to the public, including catalogues, advertising materials, and the like shall not be classified, unless as necessary when such information or materials are part of a voluminous production, in which case the producing party or third party shall, after such production, cooperate with the receiving party to identify any such materials that are available to the public and to subsequently declassify them. As a general guideline, information or materials designated as “Confidential” shall be those things that the designating party or nonparty reasonably believes, in good faith, require protection against disclosure to third parties. Absent a specific order by this Court, once designated as “Confidential,” such designated information shall be used by the parties solely in connection with this litigation, and not for any business, competitive, or governmental purpose or function, and such information shall not be disclosed to anyone except as provided herein. As a further general guideline, information or materials designated as “Confidential – Attorneys’ Eyes Only” shall be those things of a proprietary

business or technical nature that the designating party or nonparty reasonably believes, in good faith, to be of value to a competitor or potential customer of the party or nonparty holding the proprietary rights thereto, and that must be protected from disclosure. Absent a specific order by this Court, once designated as “Confidential – Attorneys’ Eyes Only,” such designated information shall be used by the parties solely in connection with this litigation, and not for any business, competitive, or governmental purpose or function, and such information shall not be disclosed to anyone except as provided herein.

3. Subject to paragraphs 6 and 7 below, “Qualified Persons,” as used herein, means:
 - (a) Outside attorneys of record for the parties in the Action and employees of such attorneys to whom is necessary that the material be shown for purposes of this Action;
 - (b) Actual or potential independent experts or consultants and employees of such independent experts or consultants (which shall exclude the parties to this Action and their employees) who have signed a document stating that he/she has read this Protective Order and has agreed to be bound by it, in the form of Exhibit A hereto;
 - (c) The Court, court personnel, court reporters, video technicians, mediator, and/or court-appointed independent experts in this Action;

- (d) The parties to this Action and their employees in such number as deemed reasonable for the purposes of this litigation by the attorneys of record to such party; and
- (e) If this Court selects, any other person may be designated as a Qualified Person by Order of this Court, after notice and hearing to all parties and affected third parties.

4. Documents that are produced in this Action on paper may be designated by any party, parties, or third parties as “Confidential” or “Confidential – Attorneys’ Eyes Only” by marking each page of the document(s) so designated with a stamp or label stating “Confidential” or “Confidential – Attorneys’ Eyes Only.” Documents that are produced in this Action on any kind of electronic, magnetic, optical, or other digital media (collectively, “Disks”) may be designated by any party, parties, or third parties as “Confidential” or “Confidential – Attorneys’ Eyes Only” by marking the surface of or case containing such Disks with a stamp, label or other designation stating “Confidential” or “Confidential – Attorneys’ Eyes Only,” and such designation shall apply to all documents, data, or other information of any kind contained on or within such Disks. In the event that a Qualified Person (where authorized to view the Classified Information) acting on behalf of a receiving party generates any “hard copy” or printout from any such Disks, such Qualified Person must immediately stamp or label each page “Confidential” or “Confidential – Attorneys’ Eyes Only” in accordance with the original designation of such Disks, and all such “hard copy” or printouts shall be treated in a manner

consistent with the original designation on such Disks. In lieu of marking the original of a document, if the original is not produced, the designating party may mark the copies that are produced or exchanged. Originals shall be preserved for inspection.

5. Information disclosed at (a) the deposition of a party or one of its present or former officers, directors, employees, agents or independent experts retained by counsel for the purpose of this Action, or (b) the deposition of a third party (which information pertains to a party) may be designated by any party or affected third party deponent as “Confidential” or “Confidential – Attorneys’ Eyes Only” by indicating on the record at the deposition that the testimony or exhibit is “Confidential” or “Confidential – Attorneys’ Eyes Only” and is subject to the provisions of this Protective Order. Any party or affected third party deponent may also designate information disclosed at such deposition as “Confidential” or “Confidential – Attorneys’ Eyes Only” by notifying all of the parties and any affected third party deponent of the transcript’s proper designation in writing within twenty (20) days of receipt of the transcript. Prior to the expiration of this designation period, the entire transcript shall be treated as “Confidential – Attorneys’ Eyes Only.” Each party and any affected third party deponent shall attach a copy of such written notice of designation to the face of the transcript and each copy thereof in his possession, custody or control.

6. “Confidential” information shall not be disclosed or made available by the receiving party to persons other than Qualified Persons. Information designated as “Confidential – For Attorneys’ Eyes Only” shall be restricted to Qualified Persons described in Paragraphs

3(a), 3(b), and 3(c) above and any persons authorized to view “Confidential – Attorneys’ Eyes Only” information by an order of the Court pursuant to Paragraph 3(e) above. Notwithstanding the foregoing, copies of documents produced under this Protective Order may be made, or exhibits prepared by, independent copy services, printers or illustrator for the purpose of this Action, and/or for any writs or appeals concerning such cases, and copies of such documents may be transmitted in sealed envelopes by the U.S. Postal Service, overnight delivery services, couriers, and/or process servers.

7. At the time of copying for the receiving parties of any new documents, such inspected documents shall be stamped, labeled, or otherwise designated prominently “Confidential” or “Confidential – Attorneys’ Eyes Only” by the producing party. Nothing herein shall prevent disclosure beyond the terms of this Protective Order if each party and/or third party designating the information as “Confidential” or “Confidential – Attorneys’ Eyes Only” consent to such disclosure or, if the Court, after notice to all affected parties and/or third parties, orders such disclosures. Nor shall anything herein prevent any counsel of record in this Action from utilizing “Confidential” or “Confidential – Attorneys’ Eyes Only” information in the examination or cross-examination, preparation for examination or cross-examination, and/or interview of any person who is indicated on the document as being an author, source or recipient of the “Confidential” or “Confidential – Attorneys’ Eyes Only” information, irrespective of whether such person is accompanied by his or her counsel at the time of such examination, cross-examination, preparation and/or interview, and irrespective of which party introduced such information.

8. A party shall not be obligated to challenge the propriety of a designation of “Confidential” or “Confidential – Attorneys’ Eyes Only” at the time made, and failure to do so shall not preclude a subsequent challenge thereto. In the event that any party to this litigation disagrees at any stage of these proceedings with the designation by the designating party of information as “Confidential” or “Confidential – Attorneys’ Eyes Only,” or the designation of any person as a Qualified Person, the parties and any affected third parties shall first try to resolve such dispute in good faith on an informal basis, such as production of redacted copies. If the dispute cannot be resolved in five (5) business days, the objecting party may invoke this Protective Order by objecting in writing to the party or third party who has designated the document or information as “Confidential” or “Confidential – Attorneys’ Eyes Only,” or designated the challenged Qualified Person, and, in the event the objections do not resolve the matter, moving for an order seeking re-designation of such documents or such Qualified Person. Any affected third party shall be permitted to bring such a motion for an order preserving the designated status of such information before the Court pursuant to this Protective Order. Exceptions to this Protective Order may be made by stipulation or order of this Court.

9. The procedure for having an expert or consultant designated as such under paragraph 3(b) for access to information or materials designated as “Confidential” or “Confidential – Attorneys’ Eyes Only” shall be as follows:

- (a) The party seeking to have a consultant approved shall provide the other party with a current resume or curriculum vitae of such person, which shall include a

description of past and present employers and persons or entities with whom the consultant has been engaged, a list of all matters in which such person has testified (whether in deposition or at trial or other proceeding) for the past four years, and a copy of a completed and signed undertaking in the form attached hereto as Exhibit A;

- (b) Within ten (10) business days after receipt by facsimile transmission of the information and signed undertaking described in subparagraph (a) by the party seeking approval, the other party may object to the person proposed for approval if facts available to that party give it a good faith belief that (i) there is a reasonable likelihood that the designated person may use information designated “Confidential” or “Confidential – Attorneys’ Eyes Only” for purposes other than the preparation or trial of this case, or is based or connected with or likely to be connected with a competitor, or otherwise disqualified because of other consulting or employment relationships, or if (ii) the party seeking approval has exceeded the number of consultants reasonably necessary for preparation of the case. At that time, the objecting party shall inform in writing the party requesting approval of its reasons for objecting to the designated person. Once a party objects to the approval of a consultant, that consultant shall not have access to “Confidential” or “Confidential – Attorneys’ Eyes Only” information until the parties reach a resolution of the challenge under the method described in section (c) below. Failure to object within the ten (10) business days to a person

proposed shall be deemed approval, but shall not preclude a party from objecting to continued access to “Confidential” or “Confidential – Attorneys’ Eyes Only” information by that person where facts suggesting a reasonable and good faith basis for objection are subsequently learned by the party or its counsel; and

- (c) If the other party so objects, the parties shall immediately confer and attempt to resolve the dispute. If the parties cannot resolve the dispute, or if the conference does not take place, then, within seven (7) calendar days from the date of the conference or within seven (7) calendar days from the date of the mailing of notice of objection, whichever is later, the objecting party may file a motion with the Court for an order that access to information designated “Confidential” or “Confidential – Attorneys’ Eyes Only” be denied to the designated person. These time periods are not to restrict either party from moving for a court order earlier if the circumstances so require. Failure without cause to file a motion within these periods shall constitute waiver of the specific objection, but shall not preclude a party from objecting to continued access of “Confidential” or “Confidential – Attorneys’ Eyes Only” information where facts suggesting a basis for objection are subsequently learned by the party or its counsel.

10. Nothing shall be designated as “Confidential” or “Confidential – Attorneys’ Eyes Only” except information of the most sensitive nature, which if disclosed would reveal significant technical or business advantages to the producing or designating party or third party,

and which includes subject matter that is believed to be unknown to the opposing party or parties, or any of the employees of the corporate parties. Nothing shall be regarded as “Confidential” or “Confidential – Attorneys’ Eyes Only” information if it is information that either:

- (a) is in the public domain at the time of disclosure, as evidenced by a written document;
- (b) becomes part of the public domain through no fault of the other party, as evidenced by a written document;
- (c) the receiving party can show by written document that the information was in its rightful and lawful possession at the time of disclosure; or
- (d) the receiving party lawfully receives such information at a later date from a third party without restriction as to disclosure, provided that such third party has the right to make the disclosure to the receiving party.

11. Any Classified Information filed with the Court shall be filed under seal in sealed envelopes or other appropriate sealed containers on which shall be endorsed the title of the Action, an indication of the nature of the contents of the sealed envelope or other container, the word “CONFIDENTIAL” and a statement substantially in the following form:

DOCUMENT FILED UNDER SEAL. This envelope is lodged under seal pursuant to order of the Court [date this Stipulated Protective Order is entered], contains Confidential Information [or Confidential – Attorneys’ Eyes Only Information], and is not be opened or the contents revealed except by order of the Court.

The document shall indicate clearly which portions contain Classified Information and only those portions shall be filed under seal.

12. Any Court hearing which refers to or describes “Confidential – Attorneys’ Eyes Only” or “Confidential” information shall, in the Court’s discretion, be *in camera*.

13. Unless otherwise agreed to in writing by the parties or ordered by the Court, the use of Classified Information by the non-disclosing party in any proceeding involving or relating to documents or any other information shall be subject to the provisions of this Protective Order.

14. Within sixty (60) days after conclusion of the Action, any documents (including all paper documents and all Disks) and all reproductions or other copies of documents (including all reproductions or other copies of any paper documents or Disks or any information contained therein in thereon) produced by a party that are in the possession of any of the persons qualified under paragraph 3(a) through (e) shall be returned to the producing party, or counsel for the respective receiving party shall certify the destruction thereof (including the destruction of all “hard copy” or printouts made from any Disks and all electronic, magnetic, optical, or other digital copies of all Disks or any information contained therein or thereon) except as this Court may otherwise order to the extent such information was used as evidence at the trial.

Notwithstanding the foregoing, outside counsel of record in this Action may retain one file copy of such information consistent with the other provisions of this Protective Order.

15. This Protective Order shall not bar any attorney herein in the course of rendering advice to his client with respect to the Action concerning such Action from conveying to any

party client his evaluation in a general way of “Confidential” or “Confidential – Attorneys’ Eyes Only” information produced or exchanged herein; provided, however that in rendering such advice and otherwise communicating with his client, the attorney shall not disclose the specific contents of any “Confidential” or “Confidential – Attorneys’ Eyes Only” information produced by another party or any third party herein, which disclosure would be contrary to the terms of this Protective Order. Nothing herein shall impose any restrictions on the use or disclosure by a party or third party of any documents, information, or materials obtained by such party or third party independent of discovery propounded to another party or third party in this action, whether or not such documents, information or materials are also obtained through discovery in this action, or from disclosing its own “Confidential” or “Confidential – Attorneys’ Eyes Only” documents, information, or materials as it deems appropriate. Nothing herein shall bar a deponent, including a third party deponent, and/or counsel for such a deponent from receiving or reviewing a transcript of his deposition or any exhibits to such transcript, irrespective of whether such transcript or any portion thereof has been designated as “Confidential” or “Confidential – Attorneys’ Eyes Only.”

16. Any party designating any person as a Qualified Person shall have the duty to reasonably ensure that such person observes the terms of this Protective Order and shall be responsible upon breach of such duty for the failure of any person to observe the terms of this Protective Order.

17. All “Confidential” or “Confidential – Attorneys’ Eyes Only” information and material covered by this Protective Order shall be kept in secure facilities, an access to those facilities shall be permitted only to Qualified Persons, as set forth in Paragraph 6 and 7 above.

18. Entering into, agreeing to, and/or producing or receiving information or material designated as “Confidential” or “Confidential – Attorneys’ Eyes Only,” or otherwise complying with the terms of this Protective Order shall not:

- (a) operate as an admission by any party that any particular information or material designated as “Confidential” or “Confidential – Attorneys’ Eyes Only” contains or reflects proprietary or commercially sensitive information, or any other type of confidential information;
- (b) operate as an admission by any party that the restrictions and procedures set forth herein constitute or do not constitute adequate protection for any particular information deemed by any party to be “Confidential or “Confidential – Attorneys’ Eyes Only”;
- (c) prejudice in any way the rights of the parties to object to the production of documents they consider not subject to discovery;
- (d) prejudice in any way the rights of any party to object to the authenticity or admissibility into evidence of any document, testimony, or other evidence subject to this Protective Order;

- (e) prejudice in any way the rights of a party to seek a determination by the Court whether any information or material should be subject to the terms of this Protective Order;
- (f) prejudice in any way the rights of a party to petition the Court for a further protective order relating to any purportedly confidential information;
- (g) prejudice in any way the rights of a party to make a showing that information or materials with proprietary or competitive value, but which is not specifically included in the categories of “Confidential – Attorneys’ Eyes Only” information or materials itemized in Paragraph 4 above, is properly designated “Confidential – Attorneys’ Eyes Only” ; or
- (h) prevent the parties to this Protective Order from agreeing in writing or on the record during a deposition or hearing in this action to alter or waive the provisions or protections provided for herein with respect to any particular information or material.

19. If a party inadvertently produces “Confidential” or “Confidential – Attorneys’ Eyes Only” information without marking it as such, it may be disclosed to others until the receiving party becomes aware of the error, unless it appears from the face of the document that it contains non-public, confidential, proprietary, commercially sensitive, or trade secret information of the producing party. As soon as the receiving party becomes aware of the inadvertent production, the information must be treated as if it had been timely designated under

this Protective Order, and the receiving party must endeavor in good faith to obtain all copies of the document which is distributed or disclosed to persons not authorized to access such information by Paragraphs 6 or 7 above, as well as any copies made by such persons.

20. If a party inadvertently produces a document that it later discovers to be a privileged document, the production of that document shall not be deemed to constitute the waiver of any applicable privileges. In such circumstances, the producing party must immediately notify the receiving party of the inadvertent production, and request the return or confirmed destruction of the privileged materials. Within ten (10) business days of receiving such notification, the receiving party shall return or confirm destruction of all such materials, including any summaries thereof. Such return or confirmation of destruction shall not preclude the receiving party from seeking to compel production of the materials for reasons other than its inadvertent production.

21. If any party or party's counsel (a) is subpoenaed in another action, (b) is served with a demand in another action to which it is a party, or (c) is served with any other legal process by one not a party to this action, seeking information or material which was produced or designated as "Confidential" or "Confidential – Attorneys' Eyes Only" by someone other than that party, the party shall give prompt actual written notice, by hand or facsimile transmission, with ten (10) days of receipt of such subpoena, demand or legal process, to those who produced or designated the information or material "Confidential" or "Confidential – Attorneys' Eyes Only" and shall object to its production to the extent permitted by law. Should the person

seeking access to the information or material take action against the party or anyone else covered by this Protective Order to enforce such a subpoena, demand or other legal process, the party shall respond by setting forth the existence of this Protective Order. Nothing herein shall be construed as requiring the party or anyone else covered by this Protective Order to challenge or appeal any order requiring production of information or material covered by this Protective Order, or to subject itself to any penalties for noncompliance with any legal process or order, or to seek any relief from this Court.

Dated this 20th day of May, 2010.

BY THE COURT

A handwritten signature in black ink, reading "Dale A. Kimball". The signature is written in a cursive, flowing style.

Honorable Dale A. Kimball
U.S. District Court Judge

EXHIBIT A

ACKNOWLEDGMENT AND AGREEMENT TO BE BOUND

I, the undersigned, have read and understand the terms and provisions of the Stipulated Protective Order entered by the Court in *Novell, Inc. v. Marvell Semiconductor, Inc.*, Case No. 2:09cv00674, pending in the U.S. District Court for the District of Utah, a copy of which has been provided to me.

I hereby agree to strictly abide by the terms and provisions of the Protective Order, to return all Classified Information to counsel at the conclusion of my involvement or engagement in this matter, and to refrain from using or disclosing to any person or entity any Classified Information.

I further agree to be subject to the jurisdiction of the Fourth Judicial District Court for Utah County, State of Utah for the purposes of any matter arising out of the Stipulated Protective Order or this Acknowledgment.

Signed on this _____ day of _____, 20____.

Signature: _____

Please Print

Name: _____

Company: _____

Address: _____

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

LUTRON ELECTONICS CO., INC.,

Plaintiff,

vs.

CRESTRON ELECTRONICS, INC., et al.,

Defendants.

Case No. 2:09 cv 707 DB

**ORDER GRANTING UNOPPOSED
MOTION TO AMEND**

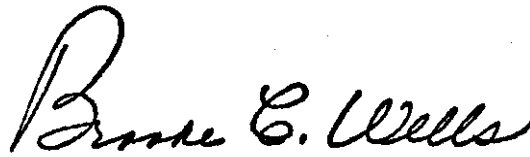
Judge Dee Benson

Magistrate Judge Brooke C. Wells

Plaintiff Lutron Electronics Inc. seeks leave to file a second amended complaint.¹ In response, Defendants state that they do not oppose Lutron's motion to amend and if Lutron had conferred with Defendants prior to filing the motion, the parties could have avoided "unnecessary motion practice."² It is therefore

ORDERED that Lutron's motion to amend is GRANTED. In the future, Lutron is encouraged to cooperate in a better manner so as to avoid unnecessary motion practice.

DATED this 20th day of May, 2010.



Brooke C. Wells
United States Magistrate Judge

¹ Docket no. 49.

² Response p. 2.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

BASIC RESEARCH, LLC, *et al.*,
Plaintiffs and Counterdefendants,

vs.

ADMIRAL INSURANCE
COMPANY, a Delaware corporation,

Defendant and Counterclaimant.

AND RELATED COUNTERCLAIM

ORDER

Case No. 2:09-CV-878 CW

Now before the court is a motion by Plaintiffs and Counterdefendants for judgment on the pleadings with respect to the Third Claim for Relief in the Counterclaim filed by Defendant and Counterclaimant Admiral Insurance Company pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. For the reasons set forth on the record of the hearing on this matter of May 19, 2010, that motion is GRANTED. Accordingly, the Third Claim for Relief in Admiral's counterclaim is DISMISSED without prejudice.

SO ORDERED this 19th day of May, 2010.

BY THE COURT:



Clark Waddoups
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

ELIAS LEO VIGIL,)	DISMISSAL ORDER
)	
Plaintiff,)	Case No. 2:09-CV-1006 CW
)	
v.)	District Judge Clark Waddoups
)	
SALT LAKE COUNTY JAIL et al.,)	
)	
Defendants.)	

Plaintiff, Elias Leo Vigil, has not responded to the Court's March 16, 2010 order for Plaintiff to, within thirty days, show cause why his case should not be dismissed for failure to comply with the Court's order to pay an initial partial filing fee and sign and return a form consenting to collection of his remaining filing fee out of his inmate account.

IT IS THEREFORE ORDERED that Plaintiff's complaint is DISMISSED without prejudice.

DATED this 20th day of May, 2010.

BY THE COURT:



CLARK WADDOUPS
United States District Judge

JAMES B. BELSHE (USB No. 9826)
CLINTON E. DUKE (USB No. 9784)
AMBER B. LEAVITT (USB No. 11412)
WORKMAN | NYDEGGER
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800
Facsimile: (801) 321-1707

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

MAY 20 2010

BY D. MARK JONES, CLERK
DEPUTY CLERK

Attorneys for Plaintiff Skullcandy, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

SKULLCANDY, INC.,

Plaintiffs,

v.

BLUEANT WIRELESS, RTY. LTD., et al.,

Defendants.

Civil Action No. 2:09-cv-01072

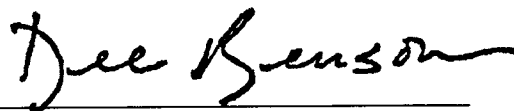
**ORDER GRANTING
MOTION TO DISMISS SAMSUNG
TELECOMMUNICATIONS AMERICA,
LLC**

Honorable Judge Dee Benson

Came on for consideration the Motion to Dismiss Samsung Telecommunications America, LLC ("Motion") submitted by plaintiff Skullcandy, Inc. in the above-captioned action (the "Action") and the Court is of the opinion that the Motion should be GRANTED.

IT IS, THEREFORE, ORDERED that all claims between plaintiff Skullcandy, Inc. and defendant Samsung Telecommunications America, LLC in the Action are hereby DISMISSED WITH PREJUDICE. Each party shall bear its own costs, attorneys' fees, and other expenses.

DATED this 19th day of May, 2010.



Honorable Dee Benson
United States District Court Judge

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. JUAN MARTINEZ-AVILES, Defendant.	ORDER GRANTING MOTION TO CONTINUE CHANGE OF PLEA HEARING Case No. 2:10-CR-45 TS
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Based on the Motion to Continue Change of Plea Hearing filed by Defendant in the above-entitled case, and good cause appearing, it is hereby

ORDERED that the hearing previously scheduled for May 25, 2010, is continued to June 23, 2010, at 3:00 p.m.

Pursuant to 18 U.S.C. § 3161(h)(7)(B)(i) and (iv), the Court finds the ends of justice served by such a continuance outweigh the best interests of the public and the Defendant in a speedy trial. More specifically, counsel for Defendant represents that he needs additional time to obtain more information regarding Defendant's criminal history.

Due to the need of counsel for additional time to obtain more information regarding Defendant's criminal history, the Court finds that the failure to grant such a continuance in the proceeding would be likely to result in a miscarriage of justice and would deny counsel for Defendant the reasonable time necessary for effective preparation. The time of the delay from Defendant's original plea and sentence date of March 29, 2010 to June 23, 2010, constitutes excludable time under the Speedy Trial Act.

DATED May 20, 2010.

BY THE COURT:

A handwritten signature in black ink, appearing to read "T. Stewart", is written over a horizontal line.

TED STEWART
United States District Judge

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RHONDA HESS, et al.,

Defendants.

**ORDER GRANTING MOTION
TO WITHDRAW AS COUNSEL**

Case No. 2:10-CR-72 DAK

Judge Dale A. Kimball

Based upon the Motion to Withdraw as Counsel, filed in the above-entitled case, and good cause appearing, the Court GRANTS Daphne A. Oberg and the Office of the Federal Defender, leave to withdraw as counsel of record for the defendant. This leave to withdraw is granted on the grounds that attorney Gregory G. Skordas has been retained to represent the defendant in these proceedings, and has filed an appearance as counsel.

DATED this 17th day of May, 2010.

BY THE COURT:



HONORABLE DALE A. KIMBALL
United States District Court Judge

UNITED STATES DISTRICT COURT

District of Utah

UNITED STATES OF AMERICA

v.

JUAN FERRERA-SERVELLON

JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX210CR000189-001-TS

USM Number: 16877-081

Natalie Benson

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Indictment☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
8 U.S.C. § 1326	Reentry of a Previously Removed Alien		1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

5/18/2010

Date of Imposition of Judgment

Signature of Judge

The Honorable Ted Stewart

Name of Judge

U. S. District Judge

Title of Judge

5/19/2010

Date

DEFENDANT: JUAN FERRERA-SERVELLON
CASE NUMBER: DUTX210CR000189-001-TS

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

6 months

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: JUAN FERRERA-SERVELLON

CASE NUMBER: DUTX210CR000189-001-TS

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:
12 months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: JUAN FERRERA-SERVELLON
CASE NUMBER: DUTX210CR000189-001-TS

ADDITIONAL SUPERVISED RELEASE TERMS

The defendant shall not re-enter the United States illegally. In the event that the defendant should be released from confinement without being deported, he shall contact the United States Probation Office in the district of release within 72 hours of release. If the defendant returns to the United States during the period of supervision after being deported, he is instructed to contact the United States Probation Office in the District of Utah within 72 hours of arrival in the United States.

DEFENDANT: JUAN FERRERA-SERVELLON
CASE NUMBER: DUTX210CR000189-001-TS

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>

TOTALS	\$	0.00	\$	0.00
--------	----	------	----	------

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: JUAN FERRERA-SERVELLON
CASE NUMBER: DUTX210CR000189-001-TS

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

UNITED STATES DISTRICT COURT

District of Utah

UNITED STATES OF AMERICA

v.

Jorge Chavez-Escorsa

JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX2:10CR000206-001-CW

USM Number: 16901-081

Benjamin C. McMurray

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
8 U.S.C. §1326	Reentry of a Previously Removed Alien		1

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

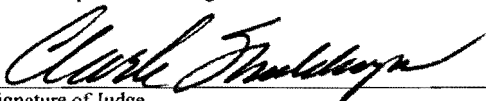
☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

5/19/2010

Date of Imposition of Judgment


Signature of Judge

Hon. Clark Waddoups

Name of Judge

District Court Judge

Title of Judge

5/20/2010
Date

DEFENDANT: Jorge Chavez-Escorsa
CASE NUMBER: DUTX2:10CR000206-001-CW

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

No term imposed. The defendant is remanded to BICE for deportation proceedings.

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Jorge Chavez-Escorsa
CASE NUMBER: DUTX2:10CR000206-001-CW

PROBATION

The defendant is hereby sentenced to probation for a term of :

60 months

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Jorge Chavez-Escorsa

CASE NUMBER: DUTX2:10CR000206-001-CW

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall not illegally reenter the United States. In the event that the defendant should be released from confinement without being deported, he shall contact the U.S. Probation Office in the district of release within 72 hours of release. If the defendant returns to the United States during the period of supervision after being deported, he is instructed to contact the U.S. Probation Office in the District of Utah within 72 hours of arrival in the United States.

DEFENDANT: Jorge Chavez-Escorsa

CASE NUMBER: DUTX2:10CR000206-001-CW

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 0.00	\$ 0.00	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ 0.00	\$ 0.00	
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

UNITED STATES DISTRICT COURT

District of Utah

UNITED STATES OF AMERICA

v.

Arturo Martinez-Sanchez

JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX2:10CR000207-001-CW

USM Number: 53705-098

Benjamin C. McMurray

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
8 U.S.C. §1326	Reentry of a Previously Removed Alien		1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

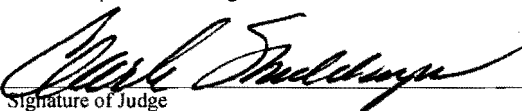
☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

5/19/2010

Date of Imposition of Judgment



Signature of Judge

Hon. Clark Waddoups

Name of Judge

District Court Judge

Title of Judge

Date

5/20/2010

DEFENDANT: Arturo Martinez-Sanchez
CASE NUMBER: DUTX2:10CR000207-001-CW

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:
10 months. Upon completion of imprisonment, the defendant is remanded to BICE for deportation proceedings.

☒ The court makes the following recommendations to the Bureau of Prisons:

that the defendant be designated to a facility in Southern California for family visitation.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Arturo Martinez-Sanchez
CASE NUMBER: DUTX2:10CR000207-001-CW

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :
36 months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Arturo Martinez-Sanchez
CASE NUMBER: DUTX2:10CR000207-001-CW

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall not illegally reenter the United States. In the event that the defendant should be released from confinement without being deported, he shall contact the U.S. Probation Office in the district of release within 72 hours of release. If the defendant returns to the United States during the period of supervision after being deported, he is instructed to contact the U.S. Probation Office in the District of Utah within 72 hours of arrival in the United States.

CRIMINAL MONETARY PENALTIES

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Arturo Martinez-Sanchez
CASE NUMBER: DUTX2:10CR000207-001-CW

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

DEIRDRE A. GORMAN (#3651)
Attorney for Defendant
205 26th Street, Suite 32
Bamberger Square Building
Ogden, Utah 84401
Telephone: (801) 394-9700
Facsimile: (801) 621-4770

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION


UNITED STATES OF AMERICA,	/	ORDER ALLOWING WITHDRAWAL OF COUNSEL
Plaintiff,	/	
vs.	/	
JOSE MAGANA-BUENO,	/	
Defendant.	/	Case No. 2:10-CR-0229-TC

BASED UPON the Motion to Withdraw as Counsel for Defendant filed by appointed counsel DEIRDRE A. GORMAN, and the Entry of Appearance filed by retained counsel JEREMY M. DELICINO.

IT IS HEREBY ORDERED that DEIRDRE A. GORMAN be and hereby is permitted to withdraw as counsel for Defendant effective immediately.

DATED this 20th day of May, 2010.

BY THE COURT:



PAUL M. WARNER
United States Magistrate Judge

DEIRDRE A. GORMAN (#3651)
Attorney for Defendant
205 26th Street, Suite 32
Bamberger Square Building
Ogden, Utah 84401
Telephone: (801) 394-9700
dagorman@qwestoffice.net

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	/	FINDINGS AND ORDER
		AUTHORIZING AUDIO EQUIPMENT
Plaintiff,	/	INTO WEBER COUNTY JAIL
vs.	/	Case No. 2:10-CR-0229-TC
JOSE MAGANA-BUENO,	/	Chief District Judge Tena Campbell
Defendant.	/	Magistrate Judge Paul M. Warner

The Defendant's Ex Parte Motion for Appointment of Interpreter/Translator came on for hearing on May 4, 2010. This motion was unsealed *sua sponte*.

The government was present and represented by Attorney Don Brown, standing in for Attorney Vernon Stejskal. The Defendant was not present, but was represented by his attorney, Deirdre A. Gorman.

After the parties proffered their respective positions, and the Court being advised in the premises, the Court now makes the following:

FINDINGS

1. The Defendant is incarcerated at the Weber County Jail. He has been detained pending resolution of the criminal proceedings herein. He is subject to an INS hold.

2. Counsel for the Defendant has represented to the Court that there are certain CDs provided in discovery are recordings of telephone calls, allegedly between the Defendant and an undercover officer. The parties therein are speaking in Spanish.

3. The government acknowledged that CDs were provided in discovery, and are telephone calls between the Defendant and an undercover officer wherein Spanish is spoken.

4. The government further represented that it did not provide transcripts of the telephone calls in English, in that they are not evidence that will be used in the government's case in chief.

5. Defense counsel represented to the Court that it is her practice to review everything provided in discovery, and to do that, in this situation, an interpreter is needed to translate the CDs from Spanish to English.

6. The Defendant has expressed a desire to listen to the content of the CDs, or at least be provided with a transcript of the contents.

7. Defense counsel represented to the Court that Weber County Jail has not customarily allowed defense counsel or defense investigators into the jail with audio equipment to facilitate listening to CDs with incarcerated defendants.

BASED UPON the foregoing findings, the Court hereby enters the following:

ORDER

IT IS HEREBY ORDERED:

1. That Defendant, Jose Magana-Bueno, is entitled to listen to the discovery which has been provided to his attorney by way of CDs.

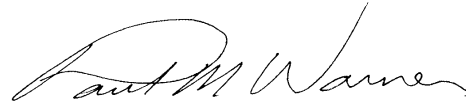
2. The Defendant's attorney and/or his investigator, will be allowed into the Weber County Jail with the CDs and a computer to facilitate the Defendant's listening to this evidence.

3. The Weber County Sheriff's department will allow audio equipment to be brought into the Weber County Jail so the Defendant will be able to listen to the evidence provided by the government.

IT IS SO ORDERED.

DATED this 20th day of May, 2010.

BY THE COURT:

A handwritten signature in cursive script, reading "Paul M. Warner", written in black ink.

PAUL M. WARNER
United States Magistrate Judge

United States District Court

CENTRAL DISTRICT OF UTAH

MAY 19 2010

D. MARK JONES, CLERK

BY

DEPUTY CLERK

UNITED STATES OF AMERICA

V.

ORDER SETTING CONDITIONS OF RELEASE

Patrick A. Drury

Case Number: *2:10-CR-00417-R*

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified)

Robert T. Braithwaite

Before

206 West Tabernacle, St. George; Courtroom 2B

on

May 26, 2010 at 1:00p

DATE AND TIME

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

dollars (\$)

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
(Name of person or organization)
(Address)
(City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
Custodian or Proxy

- (✓) (7) The defendant shall:
- () (a) maintain or actively seek employment.
 - () (b) maintain or commence an educational program.
 - (X) (c) abide by the following restrictions on his personal associations, place of abode, or travel:
Not visit Red Cliffs Rec Area after acquiring his vehicle & equipment
 - (✓) (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
 - (✓) (e) report on a regular basis to the supervising officer as directed.
 - () (f) comply with the following curfew:
 - () (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
 - (X) (h) refrain from excessive use of alcohol.
 - (X) (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
 - () (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
 - () (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
 - () (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
 - () (m) execute a bail bond with solvent sureties in the amount of \$
 - () (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s):
 - () (o) surrender any passport to
 - () (p) obtain no passport
 - () (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
 - () (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
 - () (s) submit to an electronic monitoring program as directed by the supervising officer.
 - () (t)

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.


If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in additions to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant

Directions to the United States Marshal

- (X) The defendant is ORDERED released after processing.
() The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 5-19-10



Signature of Judicial Officer

Magistrate Judge Robert T. Braithwaite

Name and Title of Judicial Officer

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH -- CENTRAL DIVISION

GOLDEN MEIER,

Plaintiff,

ORDER TO SHOW CAUSE

vs.


NEW CENTURY MORTGAGE, ET AL.,

Civil No. 2:10-cv-00031 DAK

Defendants.

Plaintiff is hereby ordered to show cause why this case should not be dismissed without prejudice as service of process has not been completed within 120 days, pursuant to F.R.C.P. 4(m). The file indicates no activity since the complaint was filed on January 14, 2010. Plaintiff is directed to respond in writing within 15 days from the date of this order and inform the Court of the status of the case and intentions to proceed. Failure to do so will result in dismissal of the case.

Dated this 19th day of May, 2010.



Dale A. Kimball
United States District Judge

PETER STIRBA (Bar No. 3118)
KATHLEEN ABKE (Bar No. 12422)
STIRBA & ASSOCIATES
215 South State Street, Suite 750
P.O. Box 810
Salt Lake City, Utah 84110-0810
Telephone: (801) 364-8300
Facsimile: (801) 364-8355
E-mail: kabke@stirba.com

Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH
MAY 20 2010
BY **D. MARK JONES, CLERK**
DEPUTY CLERK

CLAIR JEFFERY MEMMOTT,

Plaintiff,

v.

JEFF WHATCOTT, Commander of the
Central Utah Narcotics Task Force; DET.
DWIGHT JENKINS; DET. JASON BOOTS;
DET. KERRY EKKER; DET. JASON
HAYWOOD; LT. SHAUN ROBBINS; SGT.
ADRIAN HILLIN; OFFICER CORY
MADSEN; THE CENTRAL UTAH
NARCOTICS TASK FORCE; MILLARD
COUNTY SHERIFF'S OFFICE; SEVIER
COUNTY SHERIFF'S OFFICE and JOHN
AND JANE DOES 1-10,

Defendants.

**ORDER FOR DISMISSAL OF ALL
DEFENDANTS**

Case No. 2:10CV126

Judge Dee Benson

Based upon the joint motion and stipulation of the parties, and good cause appearing therefore, it is hereby **ORDERED** that Plaintiff's Complaint is **DISMISSED** with prejudice as against Commander Jeff Whatcott, Detective Dwight Jenkins, Detective Jason Boots, Detective Kerry Ekker, Detective Jason Haywood, Lieutenant Shaun Robbins, Sergeant Adrian Hillin, Officer Cory Madsen, The Central Utah Narcotics Task Force, Millard County Sheriff's Office, The Sevier County Sheriff's Office, and any unnamed members of the Central Utah Narcotics Task Force or the Millard County Sheriff's Office, each party to bear their own attorney's fees and costs.

DATED this 19th day of May, 2010.

BY THE COURT

By: Dee Benson
JUDGE DEE BENSON

Approved as to Form and Content:

/s/ Robert B. Sykes
ROBERT B. SYKES
Attorney for the Plaintiff

/s/ John Soltis
JOHN SOLTIS
Attorney for Defendant State of Utah

FILED
U.S. DISTRICT COURT

2010 MAY 19 P 1:50

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

Jonathan A. Dibble (0881)
Emily V. Smith (10212)
RAY QUINNEY & NEBEKER P.C.
*Attorneys for Defendants Violin Memory, Inc.,
Jeff Newman and Dixon Doll*
36 South State Street, Suite 1400
P. O. Box 45385
Salt Lake City, Utah 84145-0385
Telephone: (801) 532-1500
Facsimile: (801) 532-7543
jdibble@rqn.com
esmith@rqn.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

FUSION MULTISYSTEMS, INC., d/b/a/
FUSION-IO, a Nevada corporation,

Plaintiff,

v.

VIOLIN MEMORY, INC., a Delaware
corporation, CHRIS BASILE, an individual,
KRYPTON CONSULTANTS, INC., a New
York corporation, JEFF NEWMAN, an
individual, CATALYST OPERATING LLC, a
California limited liability company, IRON
CAPITAL PARTNERS IV LLC, a California
limited liability company, and DIXON DOLL,
JR., an individual,

Defendants.

**[PROPOSED] ORDER GRANTING
DISMISSAL WITH PREJUDICE**

Case No. 2:10-cv-249

Judge Stewart

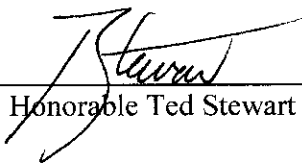
Upon stipulation of the parties and for good cause shown, the Court HEREBY ORDERS
as follows:

- A. The above-captioned action is hereby dismissed with prejudice; and

B. Each party will bear its own costs and attorneys' fees.

DATED this 19th day of May, 2010.

BY THE COURT:


The Honorable Ted Stewart

APPROVED AS TO FORM:

PARSONS BEHLE & LATIMER

/s/ David M. Bennion
David M. Bennion

*Attorney for Plaintiff
(Authorization to sign electronically for David Bennion
is being maintained in the offices of
Ray Quinney & Nebeker P.C.)*

1084284

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

MICHAEL S. ABBEY,)	O R D E R
)	
Plaintiff,)	Case No. 2:10-CV-254 DAK
)	
v.)	District Judge Dale A. Kimball
)	
VIOLA VELARDE et al.,)	
)	
Defendants.)	

Plaintiff, Michael S. Abbey, filed a *pro se* prisoner civil rights complaint.¹ The Court has already granted Plaintiff's request to proceed without prepaying the entire filing fee.

Even so, Plaintiff must eventually pay the full \$350.00 filing fee required.² Typically, a plaintiff must start by paying "an initial partial filing fee of 20 percent of the greater of . . . the average monthly deposits to [his inmate] account . . . or . . . the average monthly balance in [his inmate] account for the 6-month period immediately preceding the filing of the complaint."³ However, Plaintiff's inmate account records show he has no money; the Court thus waives his initial partial filing fee.

Plaintiff must also complete the attached "Consent to Collection of Fees" form and submit the original to the inmate

¹See 42 U.S.C.S. § 1983 (2010).

²See 28 *id.* § 1915(b)(1).

³*Id.*

funds accounting office and a copy to the Court within thirty days so the Court may collect the entire filing fee Plaintiff owes. Plaintiff is also notified that, pursuant to Plaintiff's consent form submitted to this Court, Plaintiff's correctional facility will make monthly payments from Plaintiff's inmate account of twenty percent of each month's income.

IT IS THEREFORE ORDERED that:

(1) Although the Court has already granted Plaintiff's application to proceed *in forma pauperis*, Plaintiff must still eventually pay \$350.00, the full amount of the filing fee.

(2) Because Plaintiff currently has no funds in his inmate account, the Court waives an initial partial filing fee.

(3) Plaintiff must make monthly payments of twenty percent of each month's income credited to Plaintiff's account.

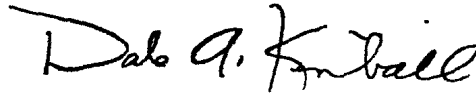
(4) Plaintiff shall make the necessary arrangement to give a copy of this Order to the inmate funds accounting office at Plaintiff's correctional facility.

(5) Plaintiff shall complete the consent to collection of fees and submit it to the inmate funds accounting office at

Plaintiff's correctional facility and also submit a copy of the signed consent to this Court within thirty days from the date of this Order, or the complaint will be dismissed.

DATED this 19th day of May, 2010.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball". The signature is written in a cursive, flowing style. The first name "Dale" is prominent, followed by "A." and "Kimball".

DALE A. KIMBALL
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

CONSENT TO COLLECTION OF FEES FROM INMATE TRUST ACCOUNT

I, Michael S. Abbey (Case No. 2:10-CV-254-DAK), understand that even when the Court has granted my application to proceed *in forma pauperis* and filed my complaint, I must still eventually pay the entire filing fee of \$350.00. I understand that I must pay the complete filing fee even if my complaint is dismissed.

I therefore consent for the appropriate institutional officials to collect from my account on a continuing basis each month, an amount equal to 20% of each month's income. Each time the amount in the account reaches \$10, the Trust Officer shall forward the interim payment to the Clerk's Office, U.S. District Court for the District of Utah, 350 South Main, #150, Salt Lake City, UT 84101, until such time as the \$350.00 filing fee is paid in full.

By executing this document, I also authorize collection on a continuing basis of any additional fees, costs, and sanctions imposed by the District Court.

Signature of Inmate
Michael S. Abbey

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

FELIX SANCHEZ RODRIGUEZ,

Petitioner,

v.

STEVE BRANCH, *et al.*,

Respondents.

ORDER

Case No. 2:10-cv-272 CW

Petitioner, Felix Sanchez Rodriguez, has filed a *habeus corpus* petition under 28 U.S.C. § 2241. The court finds that given the complexity of the legal issues presented in that petition, good cause exists to give Respondents twenty days to answer. *See* 28 U.S.C. § 2243. Respondents are therefore ordered to answer Petitioner's arguments by June 8, 2010. The Clerk of Court must serve upon Respondent copies of this Order, the petition and supporting memorandum (both at Dkt. No. 2). A hearing on the petition will be held on June 15, 2010 at 3:30 p.m.

SO ORDERED this 19th day of May, 2009.



Clark Waddoups
U.S. District Court Judge

United States District Court
for the
District of Utah
May 20, 2010

*****MAILING CERTIFICATE OF THE CLERK*****

RE: Rodriguez v. Branch et al
2:10cv00272-CW

Utah Attorney General
Criminal Appeals
160 East 300 South, Sixth Floor
PO Box 140854
Salt Lake City, UT 84114-0854

/s/

Lynsie Severnak, Deputy Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

GORDON WILLIAM THOMAS,

Plaintiff,

v.

B. HERMAN et al.,

Defendants.

**ORDER TO AMEND DEFICIENT
COMPLAINT**

Case No. 2:10-CV-292 TS

District Judge Ted Stewart

Plaintiff, Gordon William Thomas, an inmate at Utah State Prison, filed this *pro se* civil rights suit. See 42 U.S.C.S. § 1983 (2010). Plaintiff was allowed to proceed *in forma pauperis*. See 28 *id.* 1915. Reviewing the complaint under § 1915(e), the Court has determined that Plaintiff's complaint is deficient as described below.

Deficiencies in Complaint

Complaint:

- (a) inappropriately alleges civil rights violations on a respondeat superior theory.
- (b) inappropriately alleges civil rights violations based on denied grievances.
- (c) was not submitted on standard forms provided by the Court.

Instructions to Plaintiff

Under Rule 8 of the Federal Rules of Civil Procedure a complaint is required to contain "(1) a short and plain statement

of the grounds upon which the court's jurisdiction depends, . . . (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief the pleader seeks." Fed. R. Civ. P. 8(a). The requirements of Rule 8(a) are intended to guarantee "that defendants enjoy fair notice of what the claims against them are and the grounds upon which they rest." *TV Commnc'ns Network, Inc. v. ESPN, Inc.*, 767 F. Supp. 1062, 1069 (D. Colo. 1991), *aff'd*, 964 F.2d 1022 (10th Cir. 1992).

Pro se litigants are not excused from compliance with the minimal pleading requirements of Rule 8. "This is so because a pro se plaintiff requires no special legal training to recount the facts surrounding his alleged injury, and he must provide such facts if the court is to determine whether he makes out a claim on which relief can be granted." *Hall v. Bellmon*, 935 F.2d 1106, 1009 (10th Cir. 1991). Moreover, "it is not the proper function of the Court to assume the role of advocate for a pro se litigant." *Id.* at 1110. Thus, the Court cannot "supply additional facts, [or] construct a legal theory for plaintiff that assumes facts that have not been pleaded." *Dunn v. White*, 880 F.2d 1188, 1197 (10th Cir. 1989).

Plaintiff should consider the following points before refiling his complaint. First, the revised complaint must stand

entirely on its own and shall not refer to, or incorporate by reference, any portion of the original complaint. See *Murray v. Archambo*, 132 F.3d 609, 612 (10th Cir. 1998) (stating amended complaint supercedes original). Second, the complaint must clearly state what each individual defendant did to violate Plaintiff's civil rights. See *Bennett v. Passic*, 545 F.2d 1260, 1262-63 (10th Cir. 1976) (stating personal participation of each named defendant is essential allegation in civil rights action). "To state a claim, a complaint must 'make clear exactly *who* is alleged to have done *what* to *whom*.'" *Stone v. Albert*, No. 08-2222, slip op. at 4 (10th Cir. July 20, 2009) (unpublished) (emphasis in original) (quoting *Robbins v. Oklahoma*, 519 F.3d 1242, 1250 (10th Cir. 2008)). Third, Plaintiff cannot name an individual as a defendant based solely on his or her supervisory position. See *Mitchell v. Maynard*, 80 F.3d 1433, 1441 (10th Cir. 1996) (stating supervisory status alone is insufficient to support liability under § 1983). And, fourth, "denial of a grievance, by itself without any connection to the violation of constitutional rights alleged by plaintiff, does not establish personal participation under § 1983." *Gallagher v. Shelton*, No. 09-3113, 2009 U.S. App. LEXIS 25787, at *11 (10th Cir. Nov. 24, 2009).

The Court also notes that Plaintiff's claims appear to involve legal access. As Plaintiff fashions his amended complaint, he should therefore keep in mind that it is well-recognized that prison inmates "have a constitutional right to 'adequate, effective, and meaningful' access to the courts and that the states have 'affirmative obligations' to assure all inmates such access." *Ramos v. Lamm*, 639 F.2d 559, 583 (10th Cir. 1980). In *Bounds v. Smith*, 430 U.S. 817 (1977), the Supreme Court expounded on the obligation to provide access to the Courts by stating "the fundamental constitutional right of access to the courts requires prison authorities to assist inmates in the preparation and filing of meaningful legal papers by providing prisoners with adequate law libraries or adequate assistance from persons trained in the law." *Id.* at 828 (footnote omitted).

However, to successfully assert a constitutional claim for denial of access to the courts, a plaintiff must allege not only the inadequacy of the library or legal assistance furnished but also "that the denial of legal resources hindered [the plaintiff's] efforts to pursue a nonfrivolous claim." *Penrod v. Zavaras*, 84 F.3d 1399, 1403 (10th Cir. 1996); *Carper v. Deland*, 54 F.3d 613, 616 (10th Cir. 1995). In other words, a plaintiff must show "that any denial or delay of access to the court prejudiced him in pursuing litigation." *Treff v. Galetka*, 74

F.3d 191, 194 (10th Cir. 1996). Moreover, the non-frivolous litigation involved must be "habeas corpus or civil rights actions regarding current confinement." *Carper*, 54 F.3d at 616; accord *Lewis v. Casey*, 518 U.S. 343, 353-55 (1996).

Finally, Plaintiff is warned that litigants who have had three *in forma pauperis* cases dismissed as frivolous or meritless will be restricted from filing future lawsuits without prepaying fees.

ORDER

IT IS HEREBY ORDERED that:

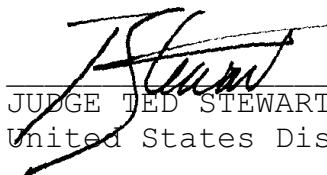
(1) Plaintiff shall have **THIRTY (30) DAYS** from the date of this order to cure the deficiencies noted above;

(2) the Clerk's Office shall mail Plaintiff a copy of the Pro Se Litigant Guide; and,

(3) if Plaintiff fails to timely cure the above deficiencies according to the instructions here this action will be dismissed without further notice.

DATED this 18th day of May, 2010.

BY THE COURT:



JUDGE TED STEWART
United States District Court

United States District Court

Central Division for the District of Utah

ORDER ON APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES

TRAVIS WAYNE GOODSSELL

v.

STATE OF UTAH et al.

Case Number: 2:10-CV-366-BSJ

Having considered the application to proceed without prepayment of fees under 28 U.S.C. 1915;

IT IS ORDERED that the application is:



GRANTED.



DENIED, for the following reasons:

ENTER this

14th

day of

May

, 20 10



Signature of Judicial Officer

Paul M. Warner, U.S. Magistrate Judge

Name and Title of Judicial Officer

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

TRAVIS WAYNE GOODSSELL,)	O R D E R
)	
Plaintiff,)	Case No. 2:10-CV-367 DAK
)	
v.)	District Judge Dale A. Kimball
)	
STATE OF UTAH et al.,)	
)	
Defendants.)	

Plaintiff, Travis Wayne Goodsell, filed a *pro se* prisoner civil rights complaint.¹ The Court has already granted Plaintiff's request to proceed without prepaying the entire filing fee.

Even so, Plaintiff must eventually pay the full \$350.00 filing fee required.² Typically, a plaintiff must start by paying "an initial partial filing fee of 20 percent of the greater of . . . the average monthly deposits to [his inmate] account . . . or . . . the average monthly balance in [his inmate] account for the 6-month period immediately preceding the filing of the complaint."³ However, Plaintiff's inmate account records show he lacks money; the Court thus waives his initial partial filing fee.

¹See 42 U.S.C.S. § 1983 (2010).

²See 28 *id.* § 1915(b)(1).

³*Id.*

Plaintiff must also complete the attached "Consent to Collection of Fees" form and submit the original to the inmate funds accounting office and a copy to the Court within thirty days so the Court may collect the entire filing fee Plaintiff owes. Plaintiff is also notified that, pursuant to Plaintiff's consent form submitted to this Court, Plaintiff's correctional facility will make monthly payments from Plaintiff's inmate account of twenty percent of each month's income.

IT IS THEREFORE ORDERED that:

(1) Although the Court has already granted Plaintiff's application to proceed *in forma pauperis*, Plaintiff must still eventually pay \$350.00, the full amount of the filing fee.

(2) Because Plaintiff currently lacks funds in his inmate account, the Court waives an initial partial filing fee.

(3) Plaintiff must make monthly payments of twenty percent of each month's income credited to Plaintiff's account.

(4) Plaintiff shall make the necessary arrangement to give a copy of this Order to the inmate funds accounting office at Plaintiff's correctional facility.

(5) Plaintiff shall complete the consent to collection of fees and submit it to the inmate funds accounting office at

Plaintiff's correctional facility and also submit a copy of the signed consent to this Court within thirty days from the date of this Order, or the complaint will be dismissed.

DATED this 19th day of May, 2010.

BY THE COURT:

A handwritten signature in black ink that reads "Dale A. Kimball". The signature is written in a cursive, flowing style.

DALE A. KIMBALL
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

CONSENT TO COLLECTION OF FEES FROM INMATE TRUST ACCOUNT

I, Travis Wayne Goodsell (Case No. 2:10-CV-367-DAK), understand that even when the Court has granted my application to proceed *in forma pauperis* and filed my complaint, I must still eventually pay the entire filing fee of \$350.00. I understand that I must pay the complete filing fee even if my complaint is dismissed.

I therefore consent for the appropriate institutional officials to collect from my account on a continuing basis each month, an amount equal to 20% of each month's income. Each time the amount in the account reaches \$10, the Trust Officer shall forward the interim payment to the Clerk's Office, U.S. District Court for the District of Utah, 350 South Main, #150, Salt Lake City, UT 84101, until such time as the \$350.00 filing fee is paid in full.

By executing this document, I also authorize collection on a continuing basis of any additional fees, costs, and sanctions imposed by the District Court.

Signature of Inmate
Travis Wayne Goodsell

FILED
U.S. DISTRICT COURT

2010 MAY 20 A 10:39

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

BY: _____
DEPUTY CLERK

MUDDY BOYS INC.

Plaintiffs,

vs.

J. BALLARD HOMES, INC., et al.

Defendants.

NOTICE OF RECUSAL

Case No. 2:10 CV 441

I recuse myself in this case, and ask that the appropriate assignment card equalization be drawn by the clerk's office.

DATED this 20th day of May, 2010.

BY THE COURT:

Tena Campbell

TENA CAMPBELL
Chief Judge

Case: 2:10cv00441
Assigned To : Stewart, Ted
Assign. Date : 5/20/2010
Description: Muddy Boys v. J. Ballard
Homes et al

RT FILED
U.S. DISTRICT COURT
DIVISION
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Civil No. 2:10-CV-0465BSJ

(Bankr. No. 10-25886)

ORDER OF CONSOLIDATION

(Fed. R. Civ. P. 42(a))

Debtor.

SO ORDERED.

76

BY THE COURT:

Brian D. Jenkins

BRUCE S. JENKINS
United States Senior District Judge

UNITED STATES DISTRICT COURT

for the

District of Utah

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

MAY 20 2010

BY D. MARK JONES, CLERK

DEPUTY CLERK

United States of America)

v.)

ALLEN RUSSELL)

Case No. 2:10-MJ-122 SA)

Charging District's)

Case No. CR10-105 E BLW)Defendant

COMMITMENT TO ANOTHER DISTRICT

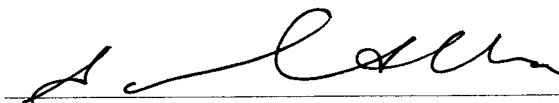
The defendant has been ordered to appear in the _____ District of IDAHO,
(if applicable) _____ division. The defendant may need an interpreter for this language:
_____.

The defendant: ☐ will retain an attorney.
☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date:

5/20/10


Judge's signature

UNITED STATES MAGISTRATE JUDGE

Printed name and title